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SUPREME COURT OF THE UNITED STATES.

No. 167.

JOSEPH W. STANTON AND WILLIAM L. PALMER, PARTNERS, UNDER THE STYLE OF J. W. STANTON & Co., AND HENRY C. HOPPER, OWNERS OF THE STEAM TOW-BOAT "ANGLO CELT," APPELLANTS,

vs.

ISRAEL C. HARRIS AND HENRY MORGAN, COMPOSING THE COM'L FIRM OF HARRIS & MORGAN, CHARLES MORGAN AND JEREMIAH SMITH, CLAIM'TS OF THE STEAMSHIP "LOUISIANA."

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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UNITED STATES OF AMERICA,
Eastern District of Louisiana.

Pleas and proceedings before the hon. the Circuit Court of the United States, in and for the fifth judicial circuit of the United States and eastern district of the State of Louisiana, at the April term, 1857, of the said court, held at the city of New Orleans, in the district aforesaid, on the 19th day of May, 1857.

Be it remembered, that heretofore, to wit, on the 29th day of April, 1857, came J. W. Stanton & Co., and others, owners of the tow-boat "Anglo Celt," and Harris & Morgan and als., claimants of the steamship "Louisiana," by their proctors, Benjamin, Bradford, and Finney, esqrs., and William H. Hunt, esq., into the clerk's office of the said court, and filed a transcript of a record on appeal from the hon. the district court of the United States for the eastern district of Louisiana, which said transcript is in words and figures as follows, viz:

U. S. Dist. Court, east'n dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Libel.

Benjamin, Bradford & Finney, proctors. Filed June 19th, 1855.

To the Hon. the Dist. Court of the U. S., in and for the east. dist. of La., in admiralty sitting:

Joseph W. Stanton and William L. Palmer, who reside in the city of New Orleans, and are there associated in business as commercial partners under the style of J. W. Stanton & Co., and Henry C. Hopper, who also resides in said New Orleans, owners of the steam tow-boat "Anglo Celt," hereinafter mentioned, exhibit their libel against the steamship "Louisiana," now lying in the port of New Orleans, in the district aforesaid, and within the admiralty and maritime jurisdiction of this hon. court, her engines, machinery, boats, tackle, apparel and furniture, and against all persons lawfully intervening for their interest therein, in a cause of collision, civil and maritime.

And thereupon your libellants allege and articulately propound as follows:

1st. That the said tow-boat, at the time when the cause of action hereafter mentioned arose, was lawfully engaged, under the laws of the United States, in commerce and navigation, and par-

ticularly in the business of towing vessels up and down the river Mississippi, and in and out to sea.

2d. That on the 21st May, 1855, the said tow-boat, whereof your libellant, Henry C. Hopper, was master, and being then tight, staunch and strong, well manned and appointed, and in every respect fitted for the voyage, left the port of New Orleans, at 9½ o'clock p. m., with the ship Neptune in tow on the starboard side, and bound down the river Mississippi; that said tow-boat proceeded on said voyage, keeping the middle of the river as nearly as possible, and pursuing the usual and proper track of tows descending the river; that while thus descending the river, and when opposite to Wilkinson's plantation, or thereabouts, between 2 o'clock *or* 3 o'clock a. m. of the 22d May ult., the officers of said tow-boat perceived the said steamship "Louisiana" ascending the river on the left or eastern shore, in the bend of the river above Point a la Hache.

That as said vessels neared each other, the said steamship, still keeping the eastern shore, gave the usual signal that she wanted to keep that shore, and the said tow-boat responded by the proper signal, and pursued her course down the middle of the river.

That the said steamship, instead of keeping the eastern shore according to the signal aforesaid, as she approached the point above the bend, in which she had been running apparently, took a sheer and ran from under said point directly across the track of said tow-boat.

That instantly upon perceiving the change in the direction of the said steamship, the said tow-boat put her helm hard a-port, stopped her engines, and commenced backing, in order to escape if possible the impending collision; but notwithstanding every possible effort was made for that purpose, the said steamship came in collision with the said tow-boat, striking her on the larboard bow with such force as to cut her nearly half through.

That by the force of the blow thus received, the said tow-boat was thrown across the current of the river, and her stern separated from the ship "Neptune," then in tow as aforesaid, so violently as to part all the after-fastenings, and let the ship drift entirely free of her. That the said tow-boat and the said steamship then drifted together to a short distance below the point aforesaid, and the said steamship going ahead, forced said tow-boat towards the eastern shore, till she finally sunk at the place where she now lies.

3d. That the said tow-boat was in all things duly provided as aforesaid for her intended voyage; that the night was clear and favorable for the prosecution of the voyage; the said tow-boat carried proper and sufficient lights, viz., a red signal-light forward, and a white or common signal-light aft; and that everything appertaining to the duty of the officers and crew of said flat-boat, every diligence and proper precaution, was observed; and that the

collision aforesaid was occasioned wholly by the fault and negligence of the steamship "Louisiana," and the officers and crew thereof.

4th. That the said tow-boat "Anglo Celt," at the time of the collision aforesaid, was of the full and true value of $32,000, and libellants have reason to fear that she will prove a total loss; but that in the event that the exertions now being made to raise the said tow-boat prove successful, libellants reserve the right to amend this libel, and to claim such damages as the circumstances may then justify.

5th. That the said collision occurred in the river Mississippi, where the tide ebbs and flows, and within the admiralty and maritime jurisdiction of this hon. court, and that all and singular the premises are true; in verification whereof, if denied, libellants crave leave to refer to the proof to be hereafter furnished.

6th. That by the laws and usages of the admiralty, libellants have a lien and privilege on said steamship "Louisiana," her engines, machinery, tackle, apparel, and furniture, for said sum of thirty-two thousand dollars.

Wherefore, the premises being considered, your libellants pray that process in due form of law be issued against said steamship "Louisiana," her engines, machinery, tackle, apparel, and furniture, and that after due proceedings this honorable court decree in favor of libellants for the damage aforesaid, to wit, thirty-two thousand dollars, with interest, and all costs for such other relief as justice may require.

(Signed) BENJAMIN, BRADFORD & FINNEY,
Proctors.

Henry C. Hopper, being duly sworn, doth depose that he was master and part owner of the tow-boat "Anglo Celt," and the duly authorized agent of the other owners, libellants herein, and that to the best of his knowledge and belief all the allegations of the foregoing libel are true and correct.

(Signed) H. C. HOPPER.

Sworn to and subscribed, at New Orleans, this 19th June, 1855, before—

(Signed) ROB'T M. LUSHER,
U. S. Comm'r.

U. S. Dist. Court, east. dist. of La.
No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Admiralty Warrant.

The President of the United States of America to the Marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded forthwith to seize and into your possession take the steamship "Louisiana," now libelled by J. W. Stanton & Co., located and doing business in New Orleans, and H. C. Hopper, owners of the steam tow-boat "Anglo Celt," in a cause of collision, claiming thirty-two thousand dollars damages, ($32,000,) now pending in the district court of the U. S. for the eastern district of Louisiana; that you do cite and admonish the owner or owners, and all and every other person or persons having or pretending to have any right, title, or interest in or to the same, to be and appear before a district court of the U. S. for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have or can, why the said steamship "Louisiana," her tackle, apparel, &c., should not be condemned and sold agreeably to the prayer of the libellants, and how you have executed this warrant; that you make return according to law.

Witness the Honorable Theo. H. McCaleb, judge of the said court, this 19th day of June, 1855, and the 79th year of the independence of the U. S.

[SEAL.]

(Signed) ROB'T M. LUSHER,
D'y Cl'k.

Marshal's Return.

Rec'd June 19th, 1855, and on the 22d June I seized and took into my possession the said steamship "Louisiana." On the same day William H. Talbot, master thereof, and representing the owners, Charles Morgan, Jeremiah Smith, and Harris & Morgan, *and* filed in the clerk's office of said court, according to law, a claim to said steamship "Louisiana;" and on the said 22d day of June, 1855, an order of release or writ of delivery was issued from out of and by said court, which is hereto annexed; and on the same day, in pursuance of said order of release or writ of delivery, the said Charles Morgan, Jeremiah Smith, and Harris & Morgan, represented by Wm. H. Talbot, master of said ship, as principals, and F. F. Folger & Co., E. J. Hart & Co., as sureties, executed their bond or admiralty stipulation to the libellants, J. W. Stanton & Co., in the sum of thirty-five thousand dollars, ($35,000;) and on the same day the said Wm. H. Talbot paid to me $7 65 clerk's costs, and $9 50 marshal's costs; whereupon, on the said 22d June, 1855, I released said seizure, and delivered the said steamship Louisiana into the possession of *the* W. H. Talbot, master, bailee and claimant thereof, and this warrant is returned June 22d, 1855.

(Signed) EMILE HARY, *D'y Marshal.*

U. S. Dist. Court, east. dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Claim.—Filed June 22d, 1855.

Now comes into court, in the above entitled suit, Wm. H. Talbot, master of steam. "Louisiana," who on oath deposes that the sole, true, and bona fide owners of said steamship "Louisiana" are Chas. Morgan, of New York, Jeremiah Smith, of Galveston, Texas, and Messrs. Harris & Morgan, of New Orleans, on whose behalf as bailee he is duly authorized and entitled to claim said steamship.

Wherefore deponent prays that she be released from seizure and restored to his custody as bailee thereof, on his giving bond and otherwise complying with the law and rules of court.

(Signed) WM. H. TALBOT.

Sworn to and subscribed at New Orleans, this 22d day of June, 1855, before—

(Signed) ROB'T M. LUSHER,
U. S. Commissioner.

U. S. Dist. Court, east. dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Consent fixing Bond at $35,000.—Filed June 22d, 1855.

It is hereby agreed that the marshal release the steamship "Louisiana" on her claimants giving bond in the sum of $35,000, with surety, as the law requires.

(Signed) BENJAMIN, BRADFORD & FINNEY.

U. S. Dist. Court east. dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Bond for $35,000.—Filed June 22d, 1855.

Know all men by these presents, that we, Charles Morgan, Jeremiah Smith, and Harris & Morgan, herein represented by Wm. H. Talbott, claimant, and master of the steamship "Louisiana," as principals, and F. F. Folger & Co. and E. J. Hart & Co. as sureties, are held and firmly bound unto J. W. Stanton & Co.,

libellants, in the sum of thirty-five thousand dollars, ($35,000,) lawful money of the U. S.; for the payment whereof to the said J. W. Stanton & Co., their heirs, executors, administrators, or assigns, we jointly and severally bind ourselves, our heirs, executors, and administrators firmly by these presents.

Witness our respective names and seals hereunto affixed by us, at New Orleans, this 22d June, 1855.

Whereas an admiralty warrant was lately issued out of the hon. the dist. court of the U. S. for the east. dist. of La., at the suit of J. W. Stanton & Co. vs. steamship "Louisiana," her tackle, apparel, furniture, and numbered 7,066 on the docket of the said court, commanding the marshal to seize and take into his possession the said steamship "Louisiana," which has been seized accordingly, but has been released from said seizure, and delivered to Wm. H. Talbot, the master and claimant thereof; the said W. H. Talbot, on behalf of the above mentioned owners, having at the time and by reason of the signing, sealing, and delivery of these presents, filed a claim to the said steamship Louisiana, her tackle, apparel, and furniture, in the clerk's office of the said court, and which claim is now of record:

Now the condition of the above obligation is such, that if the said claimant and sureties abide by all the orders interlocutory or final of the court, and pay the said libellants the amount awarded by the final decree rendered in the court to which the process is returnable, or in any appellate court, then the foregoing obligation is to be void, but otherwise shall remain in full force and virtue.

CHAS. MORGAN,
J. SMITH,
HARRIS & MORGAN,

(Signed) By WM. H. TALBOT. [L. S.]

F. F. FOLGER & Co.,

(Signed) By L. FOLGER. [L. S.]

E. J. HART & Co.,

(Signed) By E. J. HART. [L. S.]

Signed, sealed, and delivered in presence of—
(Signed) WM. CORNELIUS,
(Signed) EMILE MARY, *D'y M.*

Lafayette Folger being duly sworn, doth and say, that F. F. Folger & Co. are worth the sum of 35,000 over and above *and* all the debts and liabilities, and that deponent is a member of said firm. So help him God.

(Signed) L. FOLGER.

Sworn to and subscribed, at the city of New Orleans, on the 22d June, 1855.

(Signed) WILLIAM CORNELIUS.

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U. S. Dist. Court, eastern dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Answer.—Wm. H. Hunt, Proctor. Filed Jan'y 3d, 1855.

To the Hon. Theo. H. McCaleb, the judge of the Dist. Court of the U. S. in and for the east'n dist. of La., in admiralty sitting:

And now Israel C. Harris and H'y Morgan, of New Orleans, composing the commercial firm of Harris & Morgan, and Charles Morgan, of New York, and Jeremiah Smith, of Galveston, Texas, appear before this hon. court, and for answer to the libel and complaint of J. W. Stanton and William L. Palmer, merchants and co-partners under the style of J. W. Stanton & Co., and of Henry C. Hopper, all of New Orleans, in the aforesaid district, against the steamship "Louisiana," her engines, machinery, &c., against all persons lawfully intervening for their interest therein, (these respondents being the true and lawful owners of said steamship,) do allege and propound as follows:

1st. That these respondents are ignorant of the matters contained in the 1st and 4th articles of the said libel; and as to the 2d, 3d, 5th, and 6th, and the matters therein contained, they believe that the same are in a great part falsely alleged, and that the truth is as hereafter alleged.

2d. That on the 22d day of May, A. D. 1855, between the hours of 2 and 3 o'clock a. m., the steamship "Louisiana" was ascending the river Mississippi, bound for the port of New Orleans, and was then in good order and well and sufficiently equipped and manned; that whilst said steamship was proceeding on her voyage ascending the river, following the east or right bank, and keeping as close thereto as it was prudent and usual for vessels to keep, and following the proper and customary track of steamships ascending the river; and when she had reached a few miles above Point a la Hache, and was close to the said eastern bank, in her proper position, and between the court-house and church on said bank, in said river, the officers and persons on duty and on the look-out discovered directly above said steamship an object close to the eastern bank presenting the appearance of trees on said bank, and instantly afterwards discovered the yards and masts of a vessel, and then a form of a tow-boat, bearing right down upon them; that immediately the signal was given on the "Louisiana," by one blast of the whistle, that it was her intention to go to the right, and that her helm was at once put hard to port, but that said signal was not responded to according to the law and usage of the

river; that said tow-boat continuing to come on towards said steamship, the engines of the "Louisiana" being stopped, the said tow-boat and the Louisiana came in collision, the bows of the steamship running up to the pilot-house of the tow-boat, separating the tow-boat fr.n the ship she had in tow, and causing the said tow-boat to sink almost immediately, and before all those on board of her had time to escape and be saved, although every effort in the power of those on the "Louisiana" was made for their rescue; that the stern of the tow-boat having sunk first, her bows were held up by her rigging, which was entangled on the bows of the "Louisiana," and the Louisiana, then lying at right angles with the said tow-boat, endeavored to urge said tow-boat nearer to the bank, at the request of some of the officers from the tow-boat, but that every effort to do so was unavailing, and had only the effect of making further inroad into the said tow-boat without moving her; that thereupon the engines of the "Louisiana" were backed, and she was disengaged from said tow-boat by cutting loose the rigging of the tow-boat, the bows of which thereupon sank; and that thereupon the Louisiana proceeded up the river to her port of destination, having on board of her all the officers and those of the crew of the said tow-boat (then discovered to be the "Anglo Celt") who had been rescued from the collision.

3d. That the said "Louisiana" had on board of her at the time of the collision powerful signal-lights, such as are usually carried by steamers in the mail service; that she had a sufficient watch on deck and on duty at the time, and was in all respects carefully, properly, and skilfully manned and navigated; but that the said tow-boat Anglo-Celt was unskilfully navigated, had no watch or an insufficient watch on deck, no proper look-out, and had not the customary lights or such as were sufficient to make her course and position visible in time to have prevented the said collision, if it had been possible so to do.

4th. That said collision was in no manner whatever attributable to the "Louisiana," or to the fault of those on board of her, and that everything was done by her to prevent the same; but that the same was caused wholly by the fault, negligence, and want of skill of those on board said tow-boat "Anglo Celt," by their failing to keep burning on her the necessary and usual signal-lights; by their being out of the proper track for vessels descending the river at that place; by their failing to give or to answer the signals proper for boats meeting one another; by their not having a proper watch on the look-out; and by the unskilful manner in which she was navigated.

5th. That all and singular the premises are true, in verification whereof, if denied, respondents crave leave to refer to the depositions and proofs to be by them exhibited in this cause.

Wherefore these respondents pray that this honorable court would be pleased to pronounce against the libel aforesaid, and to condemn the libellants in costs, and otherwise right and justice to administer in the premises.

(Signed) WILLIAM H. HUNT,
Proctor.

Wm. H. Talbot being duly sworn, deposes, that he was the master of the steamship Louisiana at the date set forth in the foregoing libel, and that all the allegations set forth in said libel are in every respect true.

(Signed) W. H. TALBOT.

Sworn to and subscribed before me this 22d day of December, A. D. 1855.

(Signed) W. O. DENEGRE,
U. S. Com'r.

U. S. District Court, east. dist. of La.—February Term, 1857, Stated Sessions.

Tuesday, March 10th, 1857.—Court met at 10 a. m.; present Hon. T. H. McCaleb.

In Admiralty.

J. W. STANTON & Co. and al., owners of tow-b't Anglo Celt, vs. STEAMSHIP LOUISIANA. } Collision 22d May, 1855. Hearing.

This case came regularly up for hearing, E. A. Bradford, esq., appearing for the lib'ts, and Wm. H. Hunt, esq., for the claim'ts. The pleadings having been read and the charts or diagrams of the river referred, &c., by several witnesses laid before the court, evidence was offered and read on both sides as follows, viz:

For Libellants: Depositions of G. W. Parks, Robt. Miller, Jas. Atkins, Geo. Collins, Chas. Batchelder, S. A. Hodge, Hy. Kramer, Marie L. Johnson, Robt. Johnson, Lozenzo Mansfield, Henry Wright, and Jas. Foulhouze.

For Claimants: Depositions of Wm. McCabe, Chas Oxley, John McKie, John F. Burns, Wm. Brown, Andrew Smith, Wm. H. Talbot, R. Coates, Narcisse Roger, Step'n Dolese, Chas. Dragon, Madame Vve. Ursule Narty, Bernard Savoie, Francis Moore, Sam. H. Furguson, William A. Lockhart, John Machpherson.

The argument in the cause was then opened by M. M. Cohen, esq., on behalf of libellants, when the further hearing was continued until to-morrow at 10 a. m.

Note of Charts Exhibited in Court.

By Libellants.

Sketch of river (locus in quo) bearing signature of G. T. Beauregard, Bit. Mag. of Eug'n, New Orleans, July 20th, 1855. Description of collision thereon suppressed.

By Claimants.

Sketch of do. do. Course of river merely.
No signature thereon.
Diagram of same marked X, referred to by Wm. H. Talbot for claimants, Jan'y 3d, 1857, before U. S. comm'r, Robert M. Lusher; (signed) also T. E. Giraud, 27 Commercial Place.

U. S. Dist. Court, east. dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co., owners of "Anglo Celt,"
vs.
STEAMSHIP LOUISIANA.

Deposition of Geo. W. Park for libellants, taken before and certified by U. S. Comm'r, Henry Denis, the 23d day of February, 1856, at New Orleans, in presence of proctors of both parties. Rec'd open by consent, and filed 25th July, 1856. Offered in evidence March 10th, 1857.

George W. Park, being duly sworn, did depose and say, he was on board of the "Anglo Celt" at the time of the collision with the ship Louisiana; he was chief engineer on board the Anglo Celt; left New Orleans after nine o'clock in the evening of the 21st of May, 1855. The "Anglo Celt" had one ship in tow, the "Neptune," on her starboard side, bound for sea; his watch commenced at twelve o'clock that night; it was after 2 o'clock in the morning of the 22d, after making the point marked N upon the plan; he had spied some lights in the stretch below; he cannot state at what distance below, but supposes it was at the lower end of the stretch; seeing those lights, witness went forward on the forward deck; he discovered the lights of the "Louisiana" coming up under the bank on the larboard or eastern shore; when witness saw her, he supposes she was about half a mile distant from the "Anglo Celt;" when she got in about three or four hundred yards, she sheered off from the shore. Witness then remarked to the pilot that there would be a smash; witness was standing on the larboard side forward, when the Louisiana took this sheer. Immediately that he saw her take this sheer he sang out to the pilot that there would be a smash, and ran to the engine, stopped her, and commenced backing; witness was backing the engine when the pilot rang his stopping bell; witness had stopped the

engines and made some five or six revolutions back before the collision occurred, and about two afterwards. It is hard for witness to state on what point of the bow the "Louisiana" struck, but he knows that she struck on larboard bow forward; he was at the engine at the time; he then raised the safety-valve; after done backing, ran up on the boiler-deck aft to get his family out and put them on board the ship; he found that the fasts had been parted, and there was no ship when he got aft; he went forward and passed them over the stern of the Louisiana, on board the steamship. The stern of the Louisiana was then in the "Anglo Celt," clear into the pilot-house, for he passed them up from the boiler-deck of the "Anglo Celt" to the steamship "Louisiana;" he then went to Capt. Talbot on the gangway plank from the topgallant forecastle to the boiler-deck, who told him to put his family in his state-room. Capt. Talbot had no coat on at the time; he was dressed in white; whether in his trowsers or pantaloons, he cannot say; if he had a coat on it was a light one. Witness had been looking for some time before she took this sheer. Previously to taking this sheer, she had been running up under the bank; cannot say how close to the bank, on account of the shade of the trees; the Anglo Celt was then about the middle of the river, as near as he could judge; he was looking right at the "Louisiana," and he had apprehended no danger before she took that sheer. If the Louisiana had not taken that sheer, there would have been no collision, and there was ample room between the "Anglo Celt" and the shore for the steamship to pass. As soon as he saw the Louisiana make the sheer, he knew there would be a collision, because there was not room enough for the boats to clear each other. The "Louisiana" took the sheer very suddenly, but from what cause he cannot say; whether it was from the shoal water or the intention of the man at the wheel to cross the river, he cannot say. It was a clear starlight night; there was not wind enough to affect the tow at all. The tow-boat that night had the customary signal-lights, which were a bright light aft, and a red light, he thinks, forward. The light aft was on a flag-staff, and the light forward at the foremast head. The "Anglo Celt" carried a mast which was just forward the chimneys and aft the pilot-house, and the forward light was at this mast's head. After the mast broke and fell on the bows of the "Louisiana," this light was cut off from the mast on the bows of the Louisiana, and was still burning there. From the time the "Louisiana" took the sheer till the collision, witness had barely time to run to his engine, stop it, and commence backing, and had made four or five revolutions when the "Louisiana" struck. In witness's opinion, there was not time for the "Anglo Celt," with a vessel in tow, to have possibly avoided the collision. Witness cannot state how long it was from the time of the collision when the tow-boat sunk, but by what he

had time to do. She would have sunk sooner, but the fore-stay of the "Anglo Celt" being over the cat-head of the "Louisiana," held her up forward till the mast broke. The stern of the "Anglo Celt" sank first. She sank in about three fathoms and a half water, as near as he could judge. The place where she sank was down stream from the place where the collision took place. He is positive that it was below the place of collision. Witness was on the boiler-deck of the "Louisiana" at the time the tow-boat sank. The tow-boat commenced sinking immediately after the steamship struck her. Her main deck was under water aft at the time witness got his family from the boiler-deck to the "Louisiana." There was no pilot on board the steamship "Louisiana," except the capt., who was acting as pilot.

Cross-examined.

Witness was coming forward from oiling the shafts of the engine when he discovered the lights, which he took to be the "Olivia's;" the "Olivia" had left New Orleans the same night, but some time ahead of the Anglo Celt; she had a heavier tow, and the "Anglo Celt" must have gained on her; there is some anxiety always on the part of the hindmost tow-boat to see the lights of one in advance; the "Anglo Celt" was making the point marked (P) on the plan when we saw the lights of the "Olivia;" I do not know that the lights I then saw were the "Olivia's" lights; we only suppose them to be hers; I kept my eyes steadily fixed on these lights until I got forward; then it was that I saw another set of lights; I did not see the Olivia's" light after I saw the last set, as the other lights took my whole attention then; I am positive *there* was not the same lights, because they were in a different position from the others; I have never stated that the lights I first took for the Olivia's I afterwards found to be the "Louisiana's." Being asked, Had your bows rounded the point, and were they pointed straight down the reach below the point, when you saw for the first time the lights of the "Louisiana," the answer is, No, but we were following the bend round the point when I saw the lights of the "Louisiana" below the point; I did not see at any one time two sets of lights that night at that place, for after seeing the "Olivia's" lights I went forward and then saw the "Louisiana's," and took no other notice of the "Olivia's," but from the position in which we were, both might have been seen; I had a conversation with the pilot when I went forward and saw those lights; the pilot was Mr. Miller; I asked him what lights those were down the reach; his answer was, they were the "Olivia's" lights; I asked him what that was coming up under the bank; his answer was, he thought it was a tow; then he took his night glass and said it was a steamship, and so it proved to be; there was nobody else but myself at the engine at the time of the collision; it was a single-engine boat, and required only one engi-

neer on watch at a time; I got out of bed, being called, and went on watch at 12 o'clock. Being asked if he had left his engine before going forward, he says that he had to go forward frequently to speak to the firemen. The "Anglo Celt" was a low-pressure boat; the boilers were in the hold; the engine where I was stationed was on the main deck, and the deck above, or second deck, was what I call the boiler-deck; I did not have occasion after going on watch to go far enough forward to enable me to see the light on the hind flag-staff on the tow-boats; I know that the after light was there, because ten minutes before I discovered the lights which I took to be the "Olivia's" I was on the hurricane-deck, oiling a portion of the machinery, and saw it burning; I heard no signal from the Louisiana before the collision, no whistle; the tow-boat commenced sinking immediately after the collision, but it took her some time to sink; at the time I heard the crash I was backing the engine; I gave her about two revolutions back after I first heard the crash, and she still kept crashing; then I raised the safety-valve, and then ran forward to go to the boiler-deck, and as I passed where the firemen were I saw the water on the bottom of the fire-room, and called to the firemen to come out of the hold, as the boat was sinking; I continued on to the boiler-deck, and went aft of the room where my family were; I took my wife under one arm, and my child under the other, and passed to the starboard side to put them on board the ship, but finding the ship adrift, ran forward and got them on the bow of the steamship; I am now on board the steamship "Florida," one of the engineers on board; she runs between New Orleans and Key West.

Re-examined.

Being shown the plan marked A, witness says the position of the tow-boat is correctly given in reference to the point marked (P,) but I do not think that the steamship struck the tow-boat at the angle shown upon the plan; the sheer is too full, too short; she did not come upon us so square, but struck us at a sharper angle, not so square across the river; the tow-boat lies between the church and the court-house, a little nearer to the church, as shown upon the plan; I was employed in endeavoring to raise the tow-boat after she was sunk; after she sunk she lay very nearly straight with the river, and with her bows up stream; after the "Louisiana" struck the tow-boat, and parted it from the ship, the "Louisiana" went ahead, turning the tow-boat around, till the "Louisiana" headed down stream, and the tow-boat sunk as she lay after the collision; the "Louisiana's" bows were not straight down stream; when the "Louisiana" separated from the tow-boat, the latter remained in the position in which she has just been described; the stern of the tow-boat, I think, first grounded, her bows being held up by the "Louisiana;" while the "Louisiana" was turning the tow-boat

round as above stated all hands were drifting by the current; after the collision, the engine of the "Louisiana" being stopped, Capt. Hooper, or witness, or perhaps both, asked Capt. Talbot to go ahead, to shove her in shore; this was while the Louisiana was turning her round, and before the tow-boat had grounded; I know that the Louisiana went ahead some short time, cannot say how long, before the "Anglo Celt" grounded; I do not think the tow-boat was moved much after her stern grounded; she may have straightened her up a little.

(Signed) GEO. W. PARKS.

U. S. Dist. Court, east. dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP LOUISIANA.

Deposition of R. Miller, for libellants, taken before and certified by U. S. Comm'r Robert M. Lusher, the 10th April, 1856, at New Orleans, in presence of E. A. Bradford, esq., for libellants, and Wm. H. Hunt, for claim'ts. Filed July 14th, 1856; offered and read in evid'ce for libell'ts March 10th, 1857.

Robert Miller, a witness for the libellants, having been duly sworn, deposes: I was employed as pilot on the "Anglo Celt" at the time of her collision with the "Louisiana;" I was on duty when the collision occurred; the tow-boat left the city at about ½ past 9 p. m., on the 2d May, 1855; we had the ship Neptune in tow on the starboard bow; no other vessel in tow; we were a little better than 40 miles below the city when I first saw the lights of the "Louisiana;" I call it 40 miles down to the point on the starboard shore, and we were just below this point, which is known as Wilkinson's Point; we were rather a little nearer then to our starboard shore than the middle of the river is; this is the usual and proper place for a tow-boat going down; the steamship was a good distance down in the bend, apparently close in to her starboard shore; she blowed one whistle as she came up; we answered it with one tap of the "Celt's" bell, which tap I gave myself; when I had tapped the bell, which was behind the pilot-house, and as I came forward, passing the pilot-house, I looked at my watch to see what time it was, and it wanted five minutes to three o'clock a. m.; just as I was looking at my watch the engineer, Mr. George Parks, who was standing forward on the larboard side of the lower deck, said to me, "Miller, the steamship is coming right into us, and we're going to have a smash;" I then took the night glass and looked at the steamship, and found that she was coming right out apparently almost square across the river; I then gave orders to

stop the boat, and our steersman rang the bell to stop the engine; I also ordered him right after that to put the helm hard a-port; the steersman obeyed these orders; the engine was stopped; the helm was put hard a-port also; the collision occurred a very short time after these orders were given and executed; the man at the wheel, when he rang the bell to stop the engines, said, "that steamship is going to come into us and drown us all;" the steamship came into us on the larboard bow, not exactly head on, but angling a little; she cut into the boiler-deck, so that her stern turned up the edge of the boiler-deck a little; the Neptune was parted from the tow-boat by the collision all in an instant; at the time we were struck we were as near the middle of the river as possible, or a little over towards the other, the west, side; at the place where the collision took place the river is about a mile and a quarter wide I suppose, or something like that; there was plenty of room for the steamship to have kept up on her starboard shore, and have passed us; if she had done so there could not have been any collision.

The night was fine; a fine night for a tow to go down stream. When I had given orders to the steersman, and saw that the collision could not be avoided, I went back to the cabin door, opened it, and called Capt. Hopper; he had just got out of his berth. I then told him the steamship was crossing our bow. After that, I intended to go to the pilot-house, but before I reached there the steamship struck the "Celt." The cabin door is about 25 feet aft of the pilot-house, as well as I can judge. I went forward into the pilot-house, and the stern of the steamship was into the boiler-deck, near the pilot-house. I stepped on to the railing of the "Celt's" boiler-deck, and caught hold of the stern of the steamship with both hands and got on her forecastle, Capt. Hopper following me. When I got on board, I saw no man in front of the pilot-house but our steersman, James Atkins, and I took particular notice to see if there was any one in charge of the deck. The capt'n (I didn't know him at the time to be capt.) immediately after came from behind the wheel, and was not dressed—had no hat or coat on. As soon as he came forward of the pilot-house, he inquired what boat that was under his bow. The capt. of the "Anglo Celt" then asked what steamship it was; somebody said it was the "Louisiana." This somebody was the same one who had come forward, and who I afterwards learned was Capt. Talbot. Capt. Hopper then said, Capt. Talbot, it is very strange that you couldn't keep clear of a tow-boat going down in the middle of the river such a night as this. Capt. Talbot immediately answered, "It is very plain to be seen that I wasn't on deck at the time." The steamship was then stopped and lying right still, both of them. The capt. of the "Louisiana" then said, "Stand clear, I am going to back out from her." I then advised Capt. Hopper not to let him back out and let her sink right here, but get him to

put her into one of the shores, so that we could raise her if it was possible to do so. Capt. Hopper then asked Capt. Talbot to go ahead with his boat and bring her into either shore. The "Louisiana" then went ahead and got the Celt into shore as far as he could until she touched bottom, where she lies now; she lies below the place where she was struck—a little below—about ¾ of a mile or a mile; we lay and drifted until the "Louisiana" went ahead; she sunk head up stream; her fore-stays were over the Louisiana's larboard cat-head.

When the "Anglo Celt" got cleared of the ship "Neptune" the steamship went ahead on her larboard bow, canting her round, the current aiding partially by acting on her starboard quarter, but the steamship doing the most of it.

The tow-boat had a red light forward, at the mast-head, that night, and a common lantern white light aft of the cabin, on the jack-staff. I have been a pilot on the river since 1847, employed in the towing trade for the last nineteen years constantly. I have had a license, but haven't renewed it since the beginning of January, 1856. I am still employed as a pilot on the Anglo *Saxon*, which belongs to libellants.

Cross-examined.

It was after the whistle had been blown and as I came forward that Mr. Parks spoke to me. He said, "The steamship is coming across and right into us, and there's going to be a smash." I took up the glass, and while I was looking at the steamship, the man at the helm *hollowed* out that the steamship was coming right into us, and would drown us all. I then ordered him to stop the engine and to put the helm hard a-port; I then ran to the cabin door, called the capt., and told him the steamship was going to cross our bow. I staid to see that the steersman put his helm hard a-port, and he did so. I couldn't notice whether she canted or not. The order to put the helm hard a-port was given immediately after the order to stop the engine. My object in running to the cabin was to apprize the capt. of the danger. I was just behind the pilot-house at the time of the collision, and did not see the boats at the instant they came together.

When I ran back to the cabin I thought a collision was going to take place, but I did not feel excited in the least. I ran to call the capt., so that he might see all that was going on. It is customary to call the capt. on such occasions. The steamship was about a mile and a quarter off when I first saw her down in the bend; she might have been more or less. I saw the Olivia's lights then. I saw the lights of both the steamship and Olivia in a range, and was then uncertain what it was coming up; when the steamship passed up by the "Olivia," I saw what it was. She then pursued her course along the starboard shore, the eastern

shore, the usual course, when she blew her whistle, at which time I apprehended no danger. I couldn't tell whether she was too far in or too far out for an ascending boat; it was too far off for me to see in the night. She was a little below the court-house, I think, when she blew her whistle. As soon as she whistled, I rang the bell of the "Anglo Celt;" we had no whistle on board. I looked at my watch just then, because I was in the habit of calling up the capt. at 3 o'clock, at which hour my watch usually expired. It was after stepping forward, after looking at my watch, that Mr. Parks made his observation to me; and as I looked with my glass I saw the steamship coming across towards us. The bow of the steamship struck our bow just far back enough to clear the davit; how many feet I can't say; she came in with great force, like a very large shed falling, and crashing all at once. It was one of the most awful shocks I ever felt; our helm was then hard a-port; the shock did not knock me down, but I could just barely keep on my feet. The Celt was under no headway to hurt; the engine had been stopped; we had a little headway on at the time of the collision.

Question. Did not the violence of the blow, the position of your helm, and the little headway you had on or at the moment of the collision, tend at once to turn your bows round to the westward?

Answer. I don't think it did; when the "Louisiana" came into the "Celt," angling slightly, she drove her right back away from the ship in tow. The fore-stays of the "Celt" hung over the Louisiana's larboard cat-head.

I was so excited in saving myself, and in getting the engineer and his wife and child and others off the tow-boat on to the steamship, that I did not notice and can't say what time passed between the collision and the request of Capt. Hopper to the steamship to go ahead. Just after all these got on board, the capt'n of the steamship said, Take care, I'm going to back out from (the tow-boat) her. Then it was he was asked to go ahead towards the shore, as I have already stated, and he went ahead. I was so much engaged talking to Balize pilots and others on board who got around, that I didn't notice how far we were from either shore.

Question. Do you not know that at the time Capt'n Hopper made his request to Capt. Talbot, that you were nearer to the eastern shore than the western shore?

Answer. I know that the stern of the "Celt" had canted round after she got clear of the ship "Neptune;" I can't tell at what distance we were from either shore, because I was looking at Capt'n Talbot when he was talking to Capt'n Hopper. The bows of the "Celt" must have canted to the westward, as she was struck on the larboard side. When the Neptune was sundered from the

"Celt" she passed between us and the right-hand shore going down—the western shore. We were still connected with the La. at this time. The tow-boat didn't get loose from the "Louisiana" at all until the latter backed out from her, when she was put aground. I can't say whether her bows were held up, or whether the fore-stays did her any good in holding her up.

The top of the cabin, within a foot or so, was under water at the time the "Louisiana" backed out. The flag-staff standing on the cabin abaft of it was not under water; it was still standing, I suppose; I didn't notice; there was nothing that I know of to prevent it's standing. I didn't notice whether the after light on the "Celt" was burning when the "Louisiana" backed out. The collision happened a little below the church, I think; it may have been a little above, but couldn't have been much above; it is very hard at night to distinguish correctly. The collision took place out in the middle of the river, in the neighborhood of the church; may have been a little below or a little above; trees prevent the church from being distinctly seen. Opposite the court-house there are no trees to obstruct the view. The church can be seen if trouble is taken to descry it. Right abreast the court-house there are no trees, but just above it a little the big trees commence and continue along at some distance.

The "Louisiana" came more square out towards us than angling, until she got nearer to us, when she came in more angling, so that she drove the "Celt" right back. She straightened up a little after she got out and when quite near us. She seemed to be coming nearly stem on, but a little angling, when I went to call the capt., and up to when she struck us.

That night I could see distinctly a good distance on the water; the night was starlight; the moon had been up 20 or 25 minutes before the collision, but had set. The river was low at the time; there was very little current; there was not much wind, not enough to show itself on the water; the weather was not very warm; the night air was chilly as usual on the water, even in the summer season; I had two coats on.

(Signed) R. MILLER.

(Signed) ROB'T M. LUSHER,
U. S. Com'r.

U. S. Dist. Court, east dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of J. Atkins, for libellants, taken before and certified by U. S. Comm'r Rob't M. Lusher on the 10th day of April,

1856, at New Orleans, in presence of E. A. Bradford, esq., for libel'ts, and Wm. H. Hunt, esq., for claimants. Filed July 14th, 1856. Offered and read in evidence for libell'ts on March 10th, '57.

James Atkins, a witness for the libel'ts, having been duly sworn, deposes:

I was employed on the "Anglo Celt" at the time of her collision with the "Louisiana;" I was at the wheel of the tow-boat, the "Anglo Celt," at the time; my watch at the wheel commencing at 12 o'clock at night. The "Anglo Celt' had but one vessel in tow—the ship "Neptune," on her starboard side. On the Anglo Celt there was a red light forward, and a white one on the jack-staff aft; the former was at the mast-head forward. The tow-boat had a mast, and was a low-pressure boat. Mr. Miller was acting as pilot of the "Anglo Celt." He was standing before the pilot-house, and I in at the wheel. This was the usual place for a pilot to be while on duty—that is, to stand before or walk before the pilot-house. I have been running on the river altogether going on 8 years; I am acquainted with the river where the collision occurred. When I first saw the "Louisiana" we were right abreast or a little below Wilkinson's point. We were in the middle of the river, in the usual place for a tow-boat going down. The steamship, when I first saw her, was coming up close in to the shore on the starboard side. When she got closer to us, she blew one whistle. The tow-boat answered it by one tap of the bell. A minute or two after she blew her whistle, the steamship came right across. I remarked to Mr. Miller that she was coming across and was going to run into us; Mr. Miller then looked with a night glass, and told me to stop the boat, and to put her helm hard a-port. It was not long—five or six minutes, I suppose—after this, that the "Louisiana" struck us. She struck us right on our larboard bow, her stem striking us. Her bows came right into our pilot-house. The tow-boat was then in the middle of the river, or a little more on our starboard shore. I don't think anything else could have been done by us to avoid the collision than was done. We couldn't get out of the way; we had not time. If the steamship had kept on in her course near her starboard shore, as she was when I first saw her, there never would have been any collision. There was room enough for her to do so, as the tow-boat was in the middle of the river, and the river is about a mile wide there. The effect of the collision was to tear the "Celt" right away from the ship in tow, the "Neptune." When the steamship's bows came into our pilot-house, I got down and attempted to get on to the "Neptune," but she just then sliding away from us, I returned to the pilot-house, and got on to the bows of the steamship. The tow-boat was held by the steamship's bow being in her pilot-house, and hull also; I suppose in which position she remained until the steamship got her into the bank, where she set

tled. After I got on the steamship, I went to the pilot-house and asked the men at the wheel who was pilot on her, and who had charge of the deck. There were two men at the wheel; they gave me no answer. I asked them (objected to) who gave the orders to cross over under our bow; they gave me no answer.

The "Celt" was sheered round by the collision—stern down stream. The steamship went ahead, and had to go ahead after the collision, Capt. Hopper having requested her to do so, so as to get the "Celt" into the bank somewhere. She got into 4 fathoms water, two boat's length about from the bank, before she settled down. She sunk about a quarter of a mile, in my opinion, from the place of the collision; it was a good way down.

Cross-examined.

I shipped as steersman on the "Anglo Celt." I had turned in when we left New Orleans; was waked up at 12 o'clock by some of the watch. When I went on deck, I found my partner at the wheel and Mr. Miller; Mr. Miller remained there all the time—never left for a moment. Capt. Hopper was turned in, I believe. When I first saw the lights of the steamship, she was about ¾ of a mile off, I think. She was close in to her starboard shore when she blew her whistle. She was about abreast or a little above the court-house at this time, and when she began to cross over I am sure she was not as far up as the church at this time; I was the first one to speak of the steamship's movement to cross over; I did not know whether she intended to cross over or took a sheer. I said to Mr. Miller, The steamship is going to run right into us; she is crossing over. Mr. Miller was then standing right in front of the pilot-house, awake, and talking to Mr. Parks. Mr. Parks said there was going to be a smash, and then Mr. Miller gave the order to stop the boat and put the helm hard a-port. I think I spoke before Mr. Parks. We then answered the signal with one tap, and I put our helm hard a-port. This canted our bows to starboard, but not much, before the steamship came into us; it had not time to do so much before she came into us; she came so fast that we hadn't time. Our bows were a little turned to the starboard at the time the steamship struck; I had rung the bell to stop, and the engine had stopped; I then rung the bell to back her, but she hadn't time to back before she was struck. Our headway had been checked by the orders to stop and back, so that we hadn't much headway on when we were struck. The steamship came quartering into us, her bow striking us on our larboard bow, about four feet from the stern; I can't tell whether she was under full headway, but she seemed to me to be so. Her bows came into the "Celt" up to where I was standing in the pilot-house, at the wheel. This knocked our bows further towards our starboard shore. The "Celt" was then hanging by her fore-stays, across the cat-head of the steam-

ship—the larboard cat-head of the "Louisiana." As soon as Capt. Hopper got on board the steamship, he requested the capt. of the La. to go ahead, and try to get the "Celt" into the bank; he did so—ran ahead slowly, and worked her into the bank. The "Celt" was listed over; I couldn't see whether the stern or the bow went down first. When the steamship backed away from the "Celt," the latter's stays being over her cat-head, she tore away the mast of the "Celt." When the "Louisiana" went ahead at the request of Capt. Hopper, she did not make any crash, but slowly pushed the Celt into the shore. When the Neptune was sundered from us, she passed between us and the western bank, and went aground some distance below. She grounded about a quarter of a mile below the place of collision—I suppose a good ways below.

Question. When the bows of the Louisiana were in the "Celt," and the Louisiana went ahead, was not the effect of this motion to turn the bows of the "Celt" up stream?

Answer. It was; the way of it was, that the "Louisiana" had to put her helm hard a-port to get her in to the eastern shore.

The stern of the "Celt" was sheered round towards the eastern shore, and the "Louisiana" had to work away on her port helm, so as to get her round and in to the eastern shore.

The effect of the movement when the "Louisiana" went ahead, was to slew the bows of the Celt round up stream, and her stern down stream. The place where the tow-boat was grounded was below the place where she was struck—a pretty good distance below.

From the time of the collision up to the time when the Louisiana backed away from the "Celt," was about ten or fifteen minutes; it wasn't very long; I didn't take particular notice. The tow-boat was sinking all the time as she was going in. Two men were drowned, but they were down on the lower deck. I can't say whether she was sunk sooner aft than forward; she listed over, and I could not see it; she was aground when the "Louisiana" backed away; I can't say whether her bows were held up or not; her lights were burning when the "Louisiana" backed out; I can't swear that when the "Louisiana" backed out the white light on the jack-staff, aft of the "Celt," was burning, but I can swear that it was when we were struck; the red light forward on the "Celt" was taken down by our mate from the mast which fell over on to the steamship's forecastle, and it remained on the steamship for some time burning; I knew that the white light was burning at the the time of the collision, because I looked round and saw it, as I always look when seeing a steamship coming.

I saw the "Olivia's" lights that night; I had seen them almost from the time I came on deck, she being bound down too; I don't recollect having lost sight of them at any time up to when I saw

the "Louisiana's." I did not notice them after I saw the "Louisiana's," as I always keep my eyes on the ascending boat's lights.

I have been at work on the wreck of the "Celt" during last summer. I am now engaged on the "Anglo Norman," which belongs to the same company—Stanton's.

Re-examined.

I knew one of the men at the wheel of the steamship when I went on board; his name was Brown; he was formerly watchman on the "Perseverance" when I was on her, and I believe he was employed as a watchman on the "Louisiana;" he generally goes as watchman.

Cross resumed.

I didn't know the other man at the wheel of the "Louisiana."

I say the "Celt," at the time of the collision, was in the middle of the river, because I am sure of it.

Question. What makes you sure of it?

Answer. Because I know how to steer up and down the river.

Last summer at the wreck I didn't speak much to the men down there about the collision. I don't recollect having had frequent conversations with them on the subject; I was watchman at night, and didn't work with the men during the day.

(Signed) JAMES ATKINS.

(Signed) ROBT. M. LUSHER,
U. S. Comm'r.

U. S. District Court, eastern dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of G. Collins for libellants, taken before, and certified by, U. S. Comm'r Robert M. Lusher, on the 19th July, 1856, at New Orleans, in presence of E. A. Bradford, esq., for libel'ts, and W. H. Hunt for claimants. Offered in evid'ce March 10th, 1857; filed Feb., 1856.

George Collins, a witness for the libellants, having been duly sworn, deposes:

I was employed as mate on the "Anglo Celt" at the time of her collision with the "Louisiana;" she left the city the evening before the collision about ½ past nine o'clock, between that and ten o'clock; it is the mate's duty to attend to the putting up of signal lights; the "Anglo Celt's" signal lights were put up as usual that night—a blue light aft, on the jack-staff, and a red light forward,

on the mast; it is not the mate's duty to keep watch at night on a tow-boat; I retired to go to bed about 12 o'clock; I was lying in my berth, half asleep and half awake, when I heard a noise, and then the gong to stop her; I got up and came out on deck; the first thing I saw was a black object on the larboard side; I then found out it was a steamship running; she was then close to us; I ran aft, and then she came into us in the twinkling of an eye; she struck the tow-boat or the larboard bow, cutting right into the pilot-house some twenty feet, I suppose; the ship in tow sped off at once, her fastenings to the tow-boat parting, as if they had been cut.

The effect of the collision was to slew the head of the *head of the* tow-boat round.

When I first came out and the steamship struck the tow-boat, I noticed that the "Anglo Celt" was heading down the river.

Question. At the time the collision occurred, what was the position of the tow-boat relating to the banks? Was she nearer to the one bank or the other?

Answer. To the best of my judgment she was in the middle of the river.

When I ran aft after the collision, I told the deck hands to cut away the skiff; they did so, and got her on the guards aft, ready to go in her; I then went forward, and by this time she was all under water forward; I got on the pilot-house; the "Louisiana's" bow was right over my head; I heard voices singing out, "Come here," when I looked up and could just reach my hands to two men, who were leaning over the bows of the "Louisiana," and who pulled me up on board of the Louisiana.

The tow-boat's fore-stay was over the cat-head of the "Louisiana," and in this way she was held up.

After I got on board of the "Louisiana" she went ahead, driving the "Celt" into shoal water.

When the tow-boat sank she was about 150 to 160 feet off from the shore. The stern sank first, there being nothing to keep it up. We then cut the fore-stay, and the boat sank altogether 150 to 160 feet from the shore; when she sank her head was up the river.

The steamship was off her larboard bow; after she sank the steamship dropped away from us; the steamship lowered her yawl to save some of the men, and did save them, except two of our men, the steersman and a deck hand, who were lost.

A man by the name of John Edwards took down the forward light of the "Celt" from her mast, which fell over on the "Louisiana's" bows; this light was burning when it was taken off.

The Anglo Celt was a low-pressure boat; her furnaces were in her hull, between four and five feet below the deck; the light of her furnaces could not have been seen by a person off of her and at

a distance from her. I was employed on the "Anglo Celt" when they were raising her. It was twenty-four hours after she sank that I went to the wreck. It was still lying in the same position as when it sank.

I recollect that the steamship "Nautilus," a Texas steamship, passed while we were there at the wreck. She belongs to the same line as the "Louisiana;" she passed about 8 o'clock in the morning, when we were taking breakfast, between the wreck and the shore, the eastern shore. There was plenty of water for her to pass; she was going at the rate of 8 or 10 knots.

Cross-examined.

The river was high when the Nautilus passed; it was a pretty good stage of water; it was the noise of voices and then the gong that roused me and made me go on deck, believing that there was some danger; as soon as I got out I saw that a collision was inevitable; I got hold of a stanchion and was not knocked down.

Question. Considering the excitement in which you must have been when, on going out, you saw that the collision would inevitably happen immediately, did you have an opportunity to examine, and did you examine, whether you were in the middle of the river or not, and can you positively swear that you were not nearer the one bank than to the other?

Answer. To the best of my judgment, as I said before, we were in the middle of the river.

The forward lamp was about nine inches in diameter—a circular glass lantern, an oil lamp of about 4 inches in diameter; two wicks *was* in it; it was filled that night, I am certain; I have known such lamps to go out at night before morning. I am now on the job-boat "Mobile," a tow-boat.

Re-examined.

The lamps on the "Anglo Celt" were in good order when she started the night before the collision. Other tow-boats in the trade carry the same sort of lamps.

When I went aft after the collision to tell the men to cut the boat loose, I noticed both shores of the river; when I first came out I did not, my attention being fixed on the black object approaching us.

When the men had cut the skiff and got it on the guard, one of them, Little Jack, said, "If I have to swim here I don't know which shore I will take to." I then looked at the shore, and to the best of my judgment we were in the middle of the river; it was the only time that I saw the shores.

When I got on to the "Louisiana" I saw on board a gentleman

in his stocking feet, shirt-sleeves, and without his hat, giving orders, whom afterward I ascertained to be Capt. Talbot.

(Signed) GEORGE COLLINS.
(Signed) ROBT. M. LUSHER,
U. S. Comm'r.

U. S. Dist. Court, east'n dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of Chas. Batchelder, taken before and certified by U. S. Comm'r, Henry Denis, on the 18th day of Dec., 1855, at New Orleans, in presence of proctors of both parties; offered in evid'ce March 10th, 1857.

Charles Batchelder, being duly sworn, deposes and says:

That he was the master of the ship "Neptune" at the time of the collision between the "Louisiana" and the "Anglo Celt." The "Neptune" was in tow of the "Anglo Celt," on the starboard side. They left New Orleans between 9 and 10 o'clock in the evening, bound to sea.

As far as he recollects, the collision took place between two and three o'clock in the morning. Witness was in his room, which was forward of the cabin on the main deck, at the time of the collision. He came on deck immediately after the shock; he had only to open his door and step out on the deck. When he came on deck, the tow-boat had already been torn away from the ship, which was all done in an instant. The moment the collision took place, the tow-boat was torn from the ship instantly. All the recollection he has, as to the position of the tow-boat in the river, was, that there was room enough for the steamer to have passed inside of the tow-boat. He does not think, however, that the tow-boat was exactly in the middle of the river. When the collision took place witness took no notice of either part of the river, nor till the *shop* got aground below.

The ship was adrift when he came on deck. He thinks she drifted ten or fifteen minutes before she got aground. As she lay aground the next day, he saw the cabin of the tow-boat and her mast, flag-staff, and chimney also, as he thinks, above water. He thinks the ship lay between a quarter and a half of a mile below the wreck of the tow-boat. It was a starlight night; the river was very smooth and the weather fine.

Cross-examined.

Witness did not notice any lamp on the flag-staff of the wreck the next day. He took no notice of what lights the tow-boat had

on her before the collision. Witness could not say whether the tow, at the time of the collision, was nearer to the east side of the river than to the other. Being asked if he had not stated that the tow was nearer to the eastern bank of the river than the other, witness answers, he believes she was, if anything. On the day after the collision witness saw the river, but did not leave the ship to examine it. There is a point ahead of where the "Anglo Celt" lay; she was below the point.

There was no point that he recollects between the "Celt" and where the Neptune was aground; both the Neptune and the Celt lay below the point. Witness could not say whether the collision happened abreast the point or below it, but believes it must have been below it.

Re-examined.

Witness thinks the wreck of the boat must have been lying a mile or half a mile below the point he has been speaking of. It was a good piece below the point, a mile or half a mile, and that was his reason for thinking the collision occurred below the point. He never noticed the point till the next day. He did not leave his ship the next day till she went to sea. The wreck of the boat took the ground before the ship did. He let his ship drift on purpose to keep clear of the wreck of the tow-boat. He thinks the wreck of the tow-boat must have been drifting ten or fifteen minutes after the collision before it sunk.

Cross-examined again.

Witness is sure that the wreck sunk before his ship went aground.

(Signed) CHAS. BATCHELDER,
Master Ship "Neptune."

U. S. District Court, east'n dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of S. A. Hodge, for libellants, taken before and certified by U. S. Comm'r, Henry Denis, on the 18th of Dec., 1855, at New Orleans, in presence of proctors of both parties; offered and read in evid'ce March 10th, 1857.

Sidney A. Hodge, being duly sworn, deposes and says:

That he witnessed the collision between the steamship "Louisiana" and the tow-boat "Anglo Celt." He was then chief mate on board the ship "Neptune," which was in tow of the "Anglo Celt" on the starboard side. The tow-boat had no other vessel in

tow but the "Neptune." His watch commenced at 12 o'clock; he had been on deck all evening; it was a fine starlight night. Witness sat on the forehead part of the ship's cabin between two and three o'clock a. m.; he heard a bell ring which he supposed was the tow-boat's bell; he jumped off the house, and by the time he got down on the main deck, he saw the steamship "Louisiana," and the collision took place, parting the ship's hawsers and lines by which she was made fast to the tow-boat.

The collision took place just at the moment he got sight of the steamship. He had not seen the the steamship at all from where he was on the ship's cabin, on account of the awnings and other obstacles that were in the way. He did not get sight of her till he goot forward on the main-deck. She struck the tow-boat head on, as well as he could tell. He could not exactly tell how she was struck, because he was thinking more of the safety of the ship than of the steamship or of the tow-boat. He thinks, that from the position in which he was, he could have told in what direction the steamship "Louisiana" struck the tow-boat if he had taken particular notice, but he did not. The effect of the collision was to slew the head of the tow-boat and of the ship right round up the river. Witness noticed at the time the position of the tow-boat in the river; they were about in the middle of the river; they could see both shores. The river at that place, as far as he could judge, was about three-quarters of a mile or more in width. There was room enough for the steamship "Louisiana" to have passed on the either side of the "Anglo Celt" without any harm whatever; there was plenty of room. There was a light breeze that evening; the river was smooth; after the "Neptune" was parted from the "Anglo Celt" she drifted down the river, and she got aground after half a mile below the place of the collision.

Cross-examined.

Witness had been about one hour before the *the* collision on the top of the ship's cabin; while he was there he noticed another vessel going up or coming down the river. He witnessed none within fifteen minutes before the collision. The ship's awning was about 4½ feet above his head, as he was sitting, and there was a curtain from the sides of the awning which hung down nearly to the ship's bulwark. He had no acquaintance whatever with the locality of the river at that time. He had no knowledge as to the proper course to be pursued by a descending boat at that place of the river. On hearing the bell ring, witness immediately got down from off the cabin. He had proceeded forward about 10 or 12 feet from where he sat, when he felt the shock of the collision. The shock was a very severe one; so soon as he felt it he busied himself about the ship's anchors. He was pretty well occupied in attending to his duty as officer on the ship, but on looking to see where

the tow-boat and the "Louisiana" had got to, he noticed that they were well off into the river. It was the first time after the collision that he noticed the positions of the steamship and the tow-boat with reference to the banks of the river. Witness cannot exactly say whether at this time the tow-boat was heading up the river; the ship "Neptune" was, and the tow-boat and steamship were ahead of us. He could not see when the tow-boat sank. The tow-boat and steamship were close together when he last noticed them. He cannot say that he heard the whistle of the steamship before he heard the bell that he has spoken of. He does not recollect having heard any whistle from her. He is not positive that the bell which he heard was the tow-boat's; the bell he heard more like taps than anything else to his recollection. There were more than one or two taps, but he cannot say how many. On hearing the taps, he got up to look and see whether there was something going up the river, some tow or something else. When he first saw the "Louisiana," she appeared to him to be heading right on the two-boat. He did not notice how many lights there were on the tow-boat at the time. He recollects the ship was hailed by some person in the steamship after the collision, to know whether they wanted any assistance. The ship answered, that they did not. The Neptune was not injured to any extent. The ship had already grounded when this hail was given; she did not have her anchors out. The ship did not put any anchors out at all, but remained aground where she was, when a tow-boat took her to sea the next day. It may be that witness had made the distance, at which the ship got aground below the place of collision, too great, but he thinks not, from the position in which he saw the tow-boat herself lying sunk the next morning.

Re-examined.

The morning after the collision witness saw the top of the tow-boat's house and her mast above water. He thinks the wreck of the tow-boat lay about half a mile from the place where the ship was aground. The ship lay where she was aground till she was taken off by a tow-boat about five o'clock or later in the afternoon of the day subsequent to the collision. He thinks he has been towed up and down the river about twenty-six to thirty times. When witness went forward at the tapping of the bell as stated, he thought it was an alarm, or something of the kind, though he could not say positively, as he was not acquainted with their usages. As he went forward the tow-boat and the "Neptune" were heading down the river. The tow-boat and the ship had been keeping the middle of the river generally before the collision, when they went down. From the observations made by witness, as already stated, he thinks the tow-boat was in the middle of the river at the moment of the collision, as near as he could tell.

Cross-examined again.

Witness does not think that he was dozing whilst sitting on the cabin of the "Neptune." He undertakes positively to say that he was not dozing, and had not been dozing since the commencement of his watch.

Re-examined.

Witness saw the "Louisiana" before he felt the shock, but he can hardly say there was any difference between his sight of the steamship and the shock. The captain of the tow-boat came on board the "Neptune" just as they left the city, and told witness to have the anchors ready and an officer on deck in case they should want to come to.

(Signed) S. A. HODGE.

U. S. Dist. Court, east'n dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of H. Kramer for libellants, taken before and certified by U. S. Comm'r Robt. M. Lusher, on Dec. 12th, 1856, at New Orleans, in presence of E. A. Bradford, esq., for lib'ts, and W. H. Hunt for claim'ts; offered in evidence March 10th, 1857.

Henry Kramer, a witness for libellants, having been duly sworn, deposes: I was on board of the ship "Neptune," as cook, when said ship was in tow of the "Anglo Celt;" at the time of the collision of the latter with the "Louisiana," I was on deck very nearly the whole night; I was forward on the gallant forecastle for a short time before the collision; the "Anglo Celt" was then in the middle of the river, to the best of my knowledge. The night was clear; I could see both banks plainly. While I was where already mentioned, I could see the red, white and blue lights of a vessel which I knew to be a steamship coming up. After this I went alongside of the forward house and laid down on the top of a water-cask. The first thing that then attracted my attention was the tapping of the "Anglo Celt's" bell; I then could hear the noise of the Louisiana's wheel. Just as I rose up, the Louisiana ran right into the "Celt" and cut her away from the ship. The minute after that, the chief mate of the "Neptune" woke up the 2d mate, who asked him if he should let go the anchor, when the mate said no, that it was of no use; that we were in the middle of the river, and that the best thing to do was to put her helm to starboard, and put her in shore. I noticed the position of our ship at this time (when the mate spoke.) We were in the middle of the river, to my best knowledge. Our helm was put to starboard, for we ran with

our bow angling in towards the shore; after which, our stern swung down stream, and parallel, or nearly so, to the shore.

I saw the "Anglo Celt" when she sank; she was then about three ship's length above us, on the same side on which we came in.

I noticed the tow-boat and steamship after we got apart; I saw the "Louisiana" lying close to the "Celt," her bow in against the side of the "Celt," and taking people off who were crying for help, and I also saw her wheels turn several times, but why I don't know. What she was doing don't know.

Cross-examined.

I am cook on the "Anglo Norman;" I joined her when she came out for the winter, on the 28th October last. I left the Neptune on her return here on the 22d Nov., 1855, and then joined the tow-boat "J. H. Bell," which leaving in May, I joined the "Anglo Norman." The "Norman" belongs to the "Star" or "Stanton" line.

I had been steward on the "Celt" the winter before the collision, under Capt. Hooper, and in this way was well known to him. I have had no conversation with the Capt. on the collision, nor with any one except Mr. Miller, who asked me if I knew where the ship was in the river at the time of the collision, when I told him that to the best of my knowledge she was in the middle of the river, when I noticed her 10 or 15 minutes before. When the "Neptune" returned here Mr. Hodge was her chief mate, and he told me that some one had come to the ship to inquire about the collision, and that he answered that no one knew of it better than himself or me. Mr. Hodge told me that they wanted my deposition also, and I said that I was willing to give it whenever I would be in town. I have not talked with any one to refresh my memory on the subject. The Bell was an opposition boat, and we were all to ourselves there. I had not been lying on the water-cask (after I saw the lights of the steamship) more than 15 to 20 minutes before the collision.

Re-examined.

I will be 22 on the 8th March, '57.

(Signed) HENRY KRAMER.
(Signed) ROBT. M. LUSHER.

U. S. Dist. Court, east'n dist. of La.

No. 7,066.

J. W. STANTON & Co.
vs.
STEAMSHIP LOUISIANA.

Deposition of Marie Louise Johnson for libellants, taken before and certified by U. S. Comm'r, Henry Denis, on the 2d April,

1856, at New Orleans, in presence of proctors of both parties; offered in ev'dce March 10th, 1857.

Marie Louise Johnson, being duly sworn, deposes and says:

I am the wife of Robert Johnson, who is the sheriff of the parish of Plaquemines. I live in the court-house in the parish of Plaquemines; the court-house is near the bank of the river. I saw the collision between the steamship Louisiana and the Anglo Celt in May last. It took place about three o'clock in the morning. I was sitting in my room at the window looking out upon the river. I was up because I was unwell that night. The night was not very warm, but was a little warm. I saw the steamship as she passed up by the court-house. She passed very close in shore on this side of the river. After passing, the steamship continued keeping close in shore on this side. She kept close in shore till she went right on the tow-boat. I saw the tow-boat previously coming down the river. The tow-boat was in the middle of the river at the time the steamship ran on to her and struck her. I could see them plain when they came together; I did not continue to look at the boats after the collision, I was so much afraid.

Cross-examined.

I speak French, as my mother-tongue. I saw the steamship first that night before the tow-boat. She was then below the court-house coming up. She continued to come up close to the bank; directly I saw the tow-boat, the steamship kept on until she went right across on the tow-boat.

After the steamship passed my window she continued straight on and close to the shore until she went across right on to the tow-boat. I think it was a mile above my house that the boats came together.

There were trees all along the bank between me and where the boats were. The day after the collision the wreck lay on the batture close to the shore, about a mile above my house. It was just about the same place where she was struck. After the tow-boat was struck she floated down to the shore. At the time of the collision the tow-boat was more on the other side of the river than on this side. I did not hear the tow-boat ring her bell before the collision. I did not hear the steamship whistle before the collision. My window at which I was sitting was opened. I expected that there would be a collision, because I saw the steamship keeping close to the shore until she crossed right over and on to the tow-boat, and the tow-boat was trying to keep out of her way on the other side, but had not time.

Being asked, was the tow-boat heading towards the other side of the river to get away from the steamship before she was struck by the steamship, witness answers: Yes, I could see plainly the position of the tow-boat before she was struck. She was in the

middle of the river, nearer to the other side, and was trying to get away from the steamship when she was struck. There was a bright moonlight that night. Within a week, or a couple of weeks, after the collision I passed by and saw where the wreck was. The two chimneys were out of water. I did see the flag-staff above water—only one flag-staff was above water. There was no lantern on it at the time. On the night of the collision I noticed the lights of the tow-boat before the collision. I cannot say whether she had more than one light or not. After I saw the steamship go away from the wreck I could not see where the wreck was; I could see no lights to show where it was. It was not very far below, but a little below the church, that the boats came together. When I saw the wreck for the first time after the collision it was a little below the church. I do not know Capt. Hooper; I have not had any conversation about this suit with anybody. I was born in the parish of Plaquemines. I am sixty-two years of age.

Re-examined.

From where I was sitting at the window I could see the steamship all the time till the collision took place. I could see the steamship all the time, through the trees that I have mentioned before, along the bank.

her
MARIE LOUISE ⋈ JOHNSON.
mark.

U. S. Dist Court, east'n dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of R. Johnson, for libellants, taken before and certified by U. S. Comm'r, Henry Denis, on the 2d April, 1856, at New Orleans, in presence of proctors of both parties; offered in evd'ce March 10, 1857.

Robert Johnson, being duly sworn, deposes and says:

I am sixty-four years of age; I am the sheriff of the parish of Plaquemines, and have been since 1849; I reside in the court-house; I sleep in the court-house; the court-house stands an acre or an acre and a half—say 200 or 300 feet—from the water's edge; I recollect the collision between the steamship "Louisiana" and the tow-boat "Anglo Celt;" I think it took place on the 22d May last past, about a quarter before 3 o'clock in the morning; I had a small sail-boat that was lying at my landing opposite the court-house in the water on the edge of the batture; I had put it there the even-

ing previous to be ready to cross the river early the next morning, to make an appraisement on the opposite side.

Mrs. Johnson, my wife, was affected that night with an asthma in the lungs, and could not lie down; the first information I had was, my wife woke me to say that she feared the steamship had broke my boat, she had passed so close in the shore. I then sat right up in my bed a little confused, or hardly awake from my sleep; directly after my wife said to me, Look, the steamship is gone right over to the tow-boat; and a minute or two after or directly after she said that, the collision took place, and I felt the shock in my bed; I was sitting on the bed at the time; I could hear the shock and feel the tremor as if a cannon-ball had been fired. I instantly looked, and through the window I could see the steamship, the tow-boat and the vessel all locked in together. I had sprung from where I was previously sitting on the bed to the foot of the bed, and it was from the foot of the bed that I saw the boats through the window; the boats at the moment I first saw them were as near the middle of the river as could be, according to my judgment, or, if anything, a little to the other side; I have since made an examination to see if my judgment was correct, and I found it was correct.

From the place where I stood at the foot of the bed, I could see the boats distinctly; there was nothing to cut off the view; there was a clear space from four to six acres, in which there were but two trees standing at a distance apart, and it was through that cleared space that I saw the vessels; this clear space of from four to six acres extends along the shore; the vessels then, when I first saw them, were at a distance from my house of about three quarters of a mile—it may be a mile; it was a very bright, clear night or morning, and light enough for me to see the vessels distinctly; I could see the ropes of the vessel distinctly; I watched the vessels after the collision as long as I could, till they drifted under the trees, about a quarter of a mile above my dwelling; I could then see the topgallant-mast and the royal-mast of the vessel over the trees; the tow-boat was sunk about 150 feet or so from the shore, and near a quarter of a mile above the court-house; I heard voices giving command, Stand clear; are you all ready? let go; and the next morning I saw the ship which had been in tow close in shore; I cannot say exactly how far the ship was lying below the wreck of the tow-boat—it may have been her length or more; I did not take any particular notice; the steamship was by the tow-boat till they drifted in shore, and then she left them and went off; I am positive and feel confident that the vessels at the time I first saw them were in the middle of the river, or if anything nearer to the other side; to satisfy my mind upon that point, I have since that time, the collision, made observations from the place where I stood at the foot of the bed that night, and by taking the range of the objects on

shore; after the collision the steamboats seemed to take a round turn, and with the current drop down by degrees to the shore on this side, where she got in under the trees.

I formerly followed the sea, for a good many years; for the last 32 years I have been a resident of the parish of Plaquemines.

Cross-examined.

I am positive that it was before I felt the shock of the collision that my wife told me she was afraid the steamship had injured my boat, because she woke me to tell me so. She woke me by calling me; she said, Papa, I am afraid the steamship has broke your boat. I then set up in bed, and while I was sitting in bed the collision took place; I felt the shock. The steamship was right abreast of my house when my wife called to me, and said she was afraid the steamship had broke my boat; my boat was tied to a stick right abreast of my house. It was almost immediately after my wife had called to me and I had sat up that she exclaimed, Look, the steamship is running right into the tow-boat. It does not take one long to move oneself from one part of the bed to another, and so soon as I felt the shock I moved to the foot of the bed, where I saw the vessels in collision. From the time when my wife first called me up to the time I felt the shock was a few minutes; I can't say exactly how long, being a little confused from sleep; I cannot say whether that time was two or five minutes, or ten minutes, but it was not ten. When I jumped and saw the vessels together, I could distinctly see a large pile of bricks and cord-wood which were on the opposite side of the river, on Geo. M. Johnson's place, and the vessels were in a line with these and the place where I was. I cannot tell how the vessels first separated; they drifted over together to this side and under the trees before they separated. I am positive I heard voices as described, from the place where the ship was. I distinctly heard the cry, Let go, and I heard the chain and the anchor running out from the ship. The next morning, between five and six o'clock, I saw the ship at anchor close in shore and close to the tow-boat; the tow-boat had part of her cabin, her chimneys and the steam-pipe, and her walking beams, out of water; I do not recollect whether she had her flag-staff out of the water. She may have been one length or two lengths, I cannot positively say, from the ship, but she was lying close to her; she was lying below the church, opposite Chas. Dragoon's place; she lies there now, but has been moved about her length from the place in which she was sunk. At the time of the collision there was very little current in the river; the water was low. When I first saw the boats in collision, they were above the church. I do not know Capt. Talbot; I know Capt. Hooper and have seen him frequently, but am not well acquainted with him; I have not had any conversation with him in relation to this suit. I

cannot state how long it was from the time of the collision till they got in shore, when the tow-boat sunk, for in the agitation and anxiety, and while I was looking on, I took no notice of the time. It was some time, but not a very long time; I could not exactly say.

Re-examined.

After the collision, as steam was escaping all the time, or most of it, until they got in shore, I could not tell whether either boat went ahead with the engine, but from the short time in which they came in to the shore, I think one boat or the other must have had headway, or they would have drifted further down the stream. There is always some current in the river.

Cross-examined again.

Question. How long were the boats coming in to the shore *the shore* after the collision?

Answer. In my anxiety in watching them, I do not know the length of time.

Question. About what time? State as nearly as you can.

Answer. It may be from five to twenty minutes; I cannot say exactly the time.

The vessels would have taken the course of the current, if there was no headway upon them or wind to blow them in shore, and might have drifted with the current, perhaps several miles.

(Signed) ROB'T JOHNSON.

U. S. Dist. Court, east. dist. of La.

7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of L. Mansfield for libellants, taken before and certified by U. S. Comm'r Rob't M. Lusher, on the 19th July, 1856, at New Orleans, in presence of E. A. Bradford, esq., for lib'ts, and Wm. H. Hunt, esq., for claim'ts. Offered in evid'ce March 10th, 1857.

Lorenzo Mansfield, a witness produced for libellants, having been duly sworn, deposes:

I was seaman on board the steamship "Louisiana" at the time of her collision with the "Anglo Celt," which took place somewhere about 3 o'clock in the morning; it was my watch on deck at the time of her collision with the "Anglo Celt," which took place somewhere about 3 o'clock in the morning. It was my watch on deck at the time. Before the collision I was standing in the capstan, in the between-decks, talking there to one of the passengers, the passenger giving me a segar and asking me to get a light

for his segar. I left the between-decks and went down into the forecastle to get a light. While I was lighting my segar as men usually do, I heard the mate singing out, "Put your helm a-port quick." I turned round and had gone two or three steps up the stairs, when the collision took place with a crash; I stopped where I was, suspecting what was the matter, until the crashing was over, and then I went up on deck. When I got up on deck and looked round, after helping some one to get upon our vessel, I could see both shores, and though I can't say exactly what distance we were from each shore, I think we were a little nearer to the starboard shore or eastern shore.

The tow-boat sank a very short time after the collision; I can't say how many minutes; it wasn't many. The "Louisiana" went ahead after the collision; that is, after I came on deck I heard some one saying, don't know *what* it was, "Keep going ahead and shove her in shore."

I left the forecastle and went aft, and didn't take much notice of the position of the boats after I went aft.

I can't exactly say at what rate of speed the "Louisiana" was running that evening, but it generally takes us eight or nine hours to run up, and I suppose she was going at the rate of ten or eleven knots an hour.

I had seen the tow before the collision. The passenger had asked me why the whistle was blown, and I answered him that I supposed a tow-boat was coming. On his then asking me what a tow-boat was, I explained it to him as well as I could, and then stepped forward a step or two, he following me, and said, There's the tow-boat, pointing it out to him; I could see light on the tow—don't know whether one or two lights—and could also see spars of the vessel's. This conversation with the passenger was after he gave me the segar and before I went to light it.

I couldn't see in what position the tow was when I thus discovered it. The steamship was in a bend, and there was a small point making out above, and I could see no opening between the lights and the point; the tow at this time was above the point; I couldn't tell, under these circumstances, how far the tow was out into the river. This was the third voyage that I was making in the "Louisiana." I had been at the wheel on occasions when the "Louisiana" was going up and down the river. I was always on the mate's watch, and he gave the orders to me about the helm; the captain once in a while would also give orders.

(Question objected to.)

Whom did you consider the pilot when you were on watch?

Answer. I always considered the mate to be such. Sometimes the "Louisiana" steered pretty bad, sometimes better; I always found her pretty wild in shoal water. When I was at the wheel and coming up to a point and shaving it pretty close, she would

take a sheer out into the river. In this way she would get a considerable distance out into the river before she would mind her helm again.

Cross-examined.

I testified in regard to this collision last spring before the inspectors, and I have heard my testimony before them read to-day. Before the inspectors I said that the "Louisiana," when I came out on deck for the first time, was about *was about* one-third of the way across from the right-hand shore coming up. This is true as near as I could judge. I can't say how long before the collision I heard the whistle; it was a very short time, not many minutes. I had been on the between-decks all the watch pretty much walking about; I heard the whistle blow when I was talking to the passenger. After explaining what the whistle was about, I walked forward to light my segar, to do which I had to go down in the forecastle. I had lighted my segar and turned round, and was in the act of coming on deck when the collision occurred. I did not hear another whistle blow while I was lighting my segar. I heard but one whistle, and this was when the passenger and I were talking. I don't think that quite five minutes elapsed between the blowing of the whistle (heard by me) and the shock of the collision; I can't state exactly. I shipped as a seaman on the "Louisiana." It was not my regular business to act as steersman; I steered when my "trick" came. There was no special steersman on board. The "Louisiana," if I recollect aright, sheered in the way I have described three or four different times with me while at the helm. It was always in the river that she did so; she steered first-rate at sea. She had not done so with me the trip of the collision; I had no "trick" at the helm that trip; I have no recollection that she did so the trip before; I cannot recollect whether it was on that trip or the previous one that she did so. Sometime during the day time when I had a "trick at the helm she took a sheer, but I cannot recollect what time of the day it was, or in what part of the river; I was on the mate's watch at the time, and he was about as usual. I cannot recollect whether at the time of this sheer it was the captain or the mate who guiding me in the steering; I don't recollect seeing or conversing with the mate at the time of this sheer, or about it; on that occasion the "Louisiana" went off almost half-way across the river before she minded her helm again. I cannot undertake to say that on that trip while I was at the helm she took another sheer. I left the "Louisiana" on her arrival here after the collision; I remained idle here for about a week, or perhaps more. I was then engaged to go to work in helping to raise the "A. Celt;" I was at work there a month and some days. I was sick for eight months afterwards, and then went on a schooner. I am now employed as steersman on the tow-boat

"Yankee." I am not on bad terms with Capt. Talbott. He did not discharge me; I left because I didn't fancy the trade, and it was hot.

Question. When you first saw the tow-boat that night, did she not appear to you to be nearer to the eastern than to the western bank?

Answer. I couldn't judge for that, because the range of the bank prevented me from judging of her position.

(Signed) L. MANSFIELD.

Recalled.

I was employed at the wreck of the "Anglo Celt," and was sent up from there to give my testimony before the inspectors.

(Signed) ROB'T M. LUSHER,
U. S. Com'r.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of H. Wright, for libellants, taken before and certified by U. S. Comm'r, Robert M. Lusher, on the 30th Dec'r, 1856, at New Orleans, in presence of E. A. Bradford, esq., for libellants, and Wm. H. Hunt, esq., for claimants; offered in evidence March, 10, 1857.

Henry Wright, a witness for the libellants, having been duly sworn, deposes as follows:

In May, 1855, I was the pilot of the tow-boat "Junius Beebe." She came up the Mississippi river the night of the collision between the "Anglo Celt" and the "Louisiana;" passed us coming up between 1 and 2 o'clock in the morning. We were on the starboard side of the river, coming up in the usual tow-boat track, when the "Louisiana" passed us. Before passing us she had been running behind us in our track. When she reached us she turned off to pass outside of us, and so passing she again turned in towards our track ahead, passing so near that she almost scraped our bow, just clearing us not more than a foot or two off from the boom of the brig on the outside of us. When she passed ahead of us she hauled in until she smelt the bottom, (getting into shoal water,) and then sheered suddenly off, getting out into the middle of the river before she could straighten up again. The "Louisiana" was running that night at the rate of 8 miles to 9 miles an hour; she may have been going faster, possibly 9 or 10 miles. We were coming up at the rate of 6 or 7 miles an hour; and the steamer, I think, was going about half as fast again as we were. A steamer run at such a rate loses her steerage way when she gets into shoal

water, and sheers out or in; out if she doesn't run ashore. She doesn't mind her helm under such circumstances. After hauling in ahead of us the proper course for the steamship was to follow that bank awhile for about three or four miles; she, however, got out of it into the middle of the river. Between New Orleans and the Balise I have been engaged in the towing trade for about thirteen years. I thought the "Louisiana" was very badly managed that night for a steamship. I said to my man at the wheel at the time, "If she (the 'Louisiana') keeps running in that way, she will run into some of our tows coming down." She was badly steered; first running in too close, and then getting out too far. Her hauling ahead of us, as she did, was an effect of careless, bad steering.

Cross-examined.

It is proper for an ascending boat, when desiring to pass another one ahead of her, to pass outside of the latter. This is the general rule. The part of the river where the "Louisiana" passed us was at Jordan's Flats, about 15 to 18—18 miles below where the collision occurred. I was on duty as pilot at the time. I had been on watch from 6 o'clock that evening. My watch was from 6 to 2, when the captain succeeded me as watch. The "Louisiana" did us no harm in passing ahead of us. It must have been quite near one o'clock when she passed us, as well as I can state. I am now on the tow-boat "J. P. Whitney."

Re-examined.

When the "Louisiana" passed ahead of us, the mate of the brig on our outside ran ahead. I was frightened, and asked the mate if the brig was hurt. He answered that she was not. I asked him if the "Louisiana" touched the brig. He said no, but that she had passed pretty close.

(Signed) H. WRIGHT.

Claimants' exceptions reserved to the foregoing testimony.

(Signed) ROB'T M. LUSHER,
U. S. Comm'r.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of James Foulhouse, for libellants, written by himself. Offered in evidence March 10th, 1857.

James Foulhouse, witness in behalf of libellants, says:

That being on board of the steamship "Louisiana," bound to Galveston, Texas, on the 5th of February, 1857, at about 11

o'clock a. m., and at a distance of about one mile from the court-house of the parish of Plaquemines, in a diagonal line, the said steamship then being in the middle of the river, he distinctly saw from her upper deck, where he was then standing, the window of the bed-room of the sheriff, Johnson, which is situated in the second story of the court, and faces the river going up; that from the said window he has distinctly seen as far as half a mile further up than the late George W. Johnson's plantation, which is situated on the right bank of the river, at about one mile from the court-house, several water crafts coming down in the middle of the river; that Dr. Rogers's place is situated on the left bank of the river, at about a half mile distance from the court-house; that he has purposely examined the locality along Mrs. Norté's, the Bakers', and Dolese's places, to ascertain whether he could from there see the court-house; that it cannot be seen from there on account of the trees which concealed it; and that for any person who does not take the trouble to verify the fact that from the said window of the sheriff's room there is a full and distinct sight of the whole river for one mile and a half above, it is natural to suppose that it is not so. Witness says that he has verified the above facts, because Messrs. Cohen and Bradford, knowing that he is a resident of the parish of Plaquemines, and lives in the neighborhood of the court-house, asked him to do so.

(Signed) JAMES FOULHOUSE.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Evidence for Claimants.

Deposition of Wm. McCabe, taken under commission of 9th July, 1855, at New York city, and certified July 20th, 1855, by A. Oakey Hall, a commissioner for the State of Louisiana, on interrogatories and cross-interrogatories. Offered in evidence for claimants March 10th, 1857.

Claimants' 1st interrogatory. What is your age and occupation?

Wm. McCabe answers: I am twenty-three years of age, and am a seaman by occupation.

Claimants' 2d interrogatory. Were you steersman on the "Louisiana" when she came in collision with the tow-boat "Anglo Celt;" if so, were you on duty at the time? How long before the collision did you see the tow-boat? What was your position relative to the eastern or right-hand bank at the time of the collision? What was the position of the tow-boat in this respect?

Wm. McCabe answers: I was at the helm of the "Louisiana" at the time of the collision with the tow-boat "Anglo Celt," and on duty at the time. About one minute, I should think, elapsed after discovery of the object which proved to be the tow. We were running along about a ship's length from the right bank going up; the tow-boat at the same time being near the same bank, bound down the river.

Claimants' 3d interrogatory. When you first discovered the tow-boat, what did you do? What did the mate do? How many times did you whistle? Was your whistle returned?

Wm. McCabe answers: When I first discovered the tow-boat I put the helm hard to port. The mate gave the passing signal with the steam-whistle. The mate gave one blast with the whistle. I heard no answer in return. I would have heard it if there was.

Claimants' 4th interrogatory. Where was the captain at the time of the collision? Did you port your wheel? When and who helped you to do so?

Answer. The captain came into the pilot-house the instant the tow was discovered, and assisted me to port the helm, and remained there until the collision occurred.

Claimants' 5th interrogatory. If you say you ported your wheel, was the motion felt by the steamer? Had it time to be obeyed by her before you came together; if so, to what extent?

Wm. McCabe answers: The "Louisiana" did not feel or answer the port helm. There was not time for her to obey or answer the port helm before the collision occurred.

Claimants' 6th interrogatory. Did the "Louisiana" have any lights out; if so what? Where were they? Had the tow-boat any lights out; if so, how many?

Answer. The "Louisiana's" signal-lights were all burning brilliantly, consisting of bright light forward, blue light on starboard wheel-house, and red light on port wheel-house. The tow-boat had a small indistinct red light, one only, which I did not see until the steamers had nearly come together.

Claimants' 7th interrogatory. How did the vessels come together? Describe fully how long before the tow sunk or the vessels separated, how they lay, what was done on the "Louisiana," what course she took after the collision, and how the tow-boat now lies; whether with her bow up or down stream. State fully.

Wm. McCabe answers: When the steamers came together, the "Louisiana" struck the "Anglo Celt" on her port bow, about four feet abaft the stern. I should judge the tow-boat sunk so as to ground on the bottom in from two to five minutes, after which time the "Louisiana" was separated from the wreck by backing the engine, leaving the "Celt" lying parallel with the shore, with her head up river. All hands after the collision were busy in as-

sisting those on the wreck on board of the "Louisiana," which was done by helping some over the "Louisiana's" bows, and sending the quarter-boat to others.

Claimants' 8th interrogatory. What watch was on the "Louisiana" at the time; what men were on the deck and on the look-out?

Wm. McCabe answers: The larboard or mate's watch was on deck and on duty at the time of the collision. The pilot-house of the "Louisiana" being on the deck above that occupied by the look-out, and being at the wheel at the time, I cannot say what men were on the look-out when the collision occurred, but will state that when I left the deck occupied by the look-out to take my turn at the wheel, forty-five minutes before the collision, I left on the look-out Lorenzo Mansfield, William Johnson, Jno. Mackie, F. W. Brown, including myself at the wheel, and Mr. Coates, the first officer.

Claimants' 9th interrogatory. Do you know anything that you have not stated which would be of service to the "Louisiana" in this case? If so, what? Please state fully.

(Signed) WILLIAM H. HUNT,
Proctor for Cl'mts.

Wm. McCabe answers: I have stated in answer to the 2d int'y, that about one minute elapsed from the time I first saw the tow until the collision: I count this time from the time I first discovered and indistinct object near the bank, which I first thought to be a bunch of trees on the bank, but soon discovered it to be a tow. After this discovery, not more than two seconds elapsed before the collision, rendering it impossible for the "Louisiana" to avoid a collision with the "Anglo Celt." I also feel it my duty to state that the instant the tow was discovered, the captain rung the gong to stop the engine. I have never known the captain to sleep while ascending or descending the river, but generally in, or within speaking distance of the pilot-house, often occupying a seat alongside the house, and where the helmsman could not see or know he was on deck unless spoken to by him. And I furthermore know that the captain suffered very much from being injured in his foot by a catfish at Indianola, and will further state the reason why in my opinion the "Louisiana" did not obey her port helm, was, because she was at that moment in shoal water. I can further depose that if the "Anglo Celt" had more proper lights, that we could have seen her in time to avoid the collision.

Libellants' 1st cross-interrogatory. If you undertake to say where the captain of the "Louisiana" was at the time of the collision, please state how you know.

McCabe answers: I saw him; I was in the wheel-house with him at the time.

Libellants' 2d cross-interrogatory. If you state what men were

on watch on the "Louisiana" at the time of the collision, please state how you know what you may state.

(Signed) BENJAMIN, BRADFORD & FINNEY,
For Libellants.

Answer. I have not stated in answer to the 8th int'y that I was positive as to who were the watch at the time, and refer to the answer of the 8th int'y for all the explanation I can give in relation to this cross-interrogatory.

(Signed) WM. McCABE.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of Chas. Oxley, 2d engineer, for claimants, taken before and certified by U. S. Comm'r Marcellus A. Foute, on the 6th of July, 1855, at New Orleans, in presence of Wm. H. Hunt, esq., for cl'mts, and John Finney esq., for libellants.

Charles Oxley, a witness, (for cl'mts,) being first duly sworn, deposes:

I was engineer of the steamship "Louisiana" on the 22d day of May, 1855, on her voyage from Galveston to New Orleans; I was second engineer. I was on duty at the time of the collision, which took place at a quarter to 3 o'clock in the morning. I had been on watch since twelve o'clock. The engine-room is on deck where I was on watch, and one cannot see what is going on outside from the engine-room, there being a room on each side of the engine-room. When I heard the whistle blow first, I was sitting down on a bench close by the engine; the whistle blew only once; on hearing it, I got right up to the starting-bar by which the engine is controlled, and put my hand on it; immediately afterwards I heard the gong struck to stop the engine, and I at once stopped it; there were no other bells rung until after the collision. It could not have been over a half a minute until the time of the collision. I remained at the engine after the collision—for five or ten minutes after; I then ran out the gangway for a moment, and returned immediately; when I first got out, I saw the top of a boat, the bow of which was hanging on to our bow, and the balance of her was sunk. She appeared to me to be near the bank and lying up and down the river. After the collision, the next order given to me was, I think, to go ahead. I made three revolutions ahead, and then I stopped. The next order was to back; the next order was to stop, and to go ahead; all of which I obeyed. When I first received the order, after the blowing of the whistle, to stop her, it would have been impossible to have backed her. The reason that

it would have been impossible to have backed her at that time was, that she had such headway on she would have caught on the centre. All of the orders which were given whilst I was on duty that night were obeyed by me promptly. I am a licensed engineer; I am still attached to the "Louisiana;" I have been in this business for more than 8 years.

Cross-examined by Jno. Finney.

At the time the order was given to stop the "Louisiana," she was making, I suppose, about ten or twelve miles an hour.

(Signed) C. OXLEY.

Sworn to and subscribed before me this 6th day of July, A. D. 1855.

(Signed) MARCELLUS A. FOUTE,
U. S. Comm'r,

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of Jno. McKie, seaman, for clm'ts, taken before and certified by U. S. Comm'r, Marcellus A. Foute, on the 6th July, A. D. 1855, at New Orleans, in presence of Wm. H. Hunt, for clmt's, and Jno. Finney for libellants; offered in evidence March 10th, 1857.

John McKie, a witness (for claimants,) being first duly sworn, deposes:

I was a seaman on the steamship "Louisiana" when she had a collision about two months ago; I was forward on the main deck on the look-out at the time of the collision; we were coming up the river, keeping the shore on our starboard side; I did not see the tow-boat until about a minute or a minute and a half before the collision; she was so near the bank that she seemed to be going up the river; I could not make out what she was when I first noticed her; she was so close into the bank that I could not discern any space betwixt her and the bank; we had our lights out, a light on each wheel and one on the smoke-pipe; a blue light on one wheel, and a red light on the other, a clear light being on the smoke-pipe; I did not see any light on the tow-boat before the collision; after the collision I cut a light from her jack-staff which had fallen over our bows; it was a small red light. I heard the whistle of the "Louisiana" before I observed the tow-boat; it was the sound of the whistle that attracted my attention towards the tow-boat. We were then, as near as I can say, about one hundred and fifty feet from the shore. The "Louisiana" only whistled once; I heard no answer; I heard the mate sing out, Port your helm, just before the

whistle was sounded; I saw the two vessels come together; at the time of the collision, the "Louisiana" was heading up stream straight; the tow-boat appeared to me to be heading with her bows sheering off from the bank just at the time of the collision. The "Louisiana" when the boats came together hit the larboard bow of the tow-boat; we ran into her so far that her upper deck was resting on our stem; our bows were three or four feet from the centre of the tow-boat's deck on the larboard side. After the boats came together the tow-boat commenced sinking right away; I don't think she was three minutes sinking; her upper deck rested on our bows, which kept her bows afloat; her stern was sunk in about three minutes.

Question. What did the "Louisiana" do after the collision; did she go ahead, back, or what?

Answer. I was forward in the bow, and did not hear the orders. The boat sunk with her bows up stream; this was occasioned by the fact that her stern sinking first, and we heaving headway on her bows catching on ours as we went on, turned her head up stream; it was about five or six minutes from the time we first struck the tow-boat until she went down entirely; when she went down, she was heading up stream; I was so confused at the time helping to get the people from the wreck, that I did not notice how our bows were.

Cross-examined by Jno. Finney, Esq.

The signal given by the "Louisiana" was her whistle; it was only a single whistle; when the tow-boat was turned by our progress, her bow up stream, she was on our starboard side; the sterns of the two boats were then together; they did not, however, lie exactly broadside together; the "Louisiana's" bows were quartering out in the stream; the bows of the tow-boat were inclined in the same direction.

I was standing forward on the main deck just by the topgallant forecastle before the whistle was sounded on the "Louisiana," and at the time I first saw the tow-boat.

I was there as look-out; the mate sounded the whistle; the mate was standing on the upper deck forward, when he first discovered the tow-boat; the mate was in a better position to see forward than I was; he was high up, and I was on the main deck; the mate was on the look-out as well as myself.

I could not exactly say that any effect was produced on the vessel when the order was given to port helm; I suppose that it was obeyed. I am still on the "Louisiana."

(Signed) JOHN McKIE.

Sworn to and subscribed before me this 6th day of July, A. D. 1855.

(Signed) MARCELLUS A. FOUTE,
U. S. Comm'r.

Charles Oxley recalled, and examination in chief resumed. I know the captain of the tow-boat by sight; after the collision I saw him in conversation with a Mr. Ferguson, who was a passenger on the "Louisiana;" I don't know what this conversation commenced about, but I heard the captain of the tow-boat say to Mr. Ferguson, "it was our fault." The captain walked forward, Mr. Ferguson following him, asking questions. The captain asked him why he was questioning him. Mr. Ferguson said, I want to write to my friends in Galveston; when the captain said, "For God's sake don't say that I said anything about it." Mr. Ferguson lives, I believe, in Galveston.

Cross-examined by John Finney.

This conversation occurred on the upper deck of the "Louisiana" after we had got again under way. There were several persons around, but I did not know who they were.

(Signed) C. OXLEY.

Sworn to and subscribed before me this 6th day of July, 1855.

(Signed) MARCELLUS A. FOUTE,
U. S. Comm'r.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of J. F. Burns, cabin boy, for claimants, taken before and certified by the U. S. Comm'r, Marcellus A. Foute, on the 6th July, 1855, at New Orleans, in presence of Wm. H. Hunt for compl'ts, and Jno. Finney for libellants. Offered in evidence March 10th, 1857.

John F. Burns, a witness for compl'ts, being first duly sworn, deposes: I was, and am, cabin boy on the "Louisiana." I was standing at the door of my room, on the upper deck, at the time of the collision; I did not see the collision until after it transpired. I noticed how close we were to the bank immediately after the collision. The "Louisiana" was about one hundred and fifty feet from the shore, immediately after the collision. Our bows were heading straight up stream. The tow-boat at the moment of collision was heading straight down stream. We came together pretty much stern on. I heard the whistle on the "Louisiana." I heard no answer to it.

Cross-examined by Jno. Finney.

I could not say how the boats headed after the collision. As soon as ever they struck I went plump forward; I then took notice of the collision, ran right aft and went in a boat with the mate to save the lives of those on board the "Anglo Celt;" I got into the boat with the mate; at that time the "Louisiana" was heading up stream; the tow-boat at this time was on the starboard of the "Louisiana;" I cannot say whether the tow-boat was between the "Louisiana" and the right-hand shore or not.

Re-examined.

The tow-boat sunk in about five or ten minutes after the collision.

(Signed) JNO. F. BURNS.

Sworn to and subscribed before me this 6th day of July, A. D. 1855.

(Signed) MARCELLUS A. FOUTE,
U. S. Comm'r.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of William Brown, hand of "Lou'a," for claimants, taken before and certified by U. S. Comm'r Robert M. Lusher, on the 23d July, 1856, at New Orleans, in presence of Wm. H. Hunt, for clmts., and E. A. Bonford, for libellants. Offered in evidence March 10th, 1857.

William Brown, a witness for the claimants, having been duly sworn, deposes as follows:

I am now a watchman on the steamship "Louisiana." I have been on her off and on for about 3 years, always as watchman. I was on her when she had a collision near Pointe à la Hace; I was on duty at the time, and had been all night. I don't know exactly at what time it occurred, but it was after 2 o'clock at night. I was standing close to the capstan on the main deck just before the collision. I heard somebody blowing a whistle on the upper deck. After remaining there two or three seconds, I went on out to the door, and just as I reached the door to go up stairs the collision took place. The "Louisiana" was parallel with the bank, so far as I could see, going up the river. The tow-boat was heading right against her. The "Louisiana" was about 25 fathoms, 150 feet, from the right-hand shore ascending; her bows were pointing right up stream. She struck the tow-boat on the larboard bow, about two feet from the stem, and ran right into her about three or four fathoms, close to the fire-place; the tow-boat then swang around.

When I got up on deck I went right into the pilot-house; I went there to stand by the gong, to direct the vessel when the captain should want to go ahead or back, or otherwise. The helmsman never rings the gong. I had for many years rung the gong for the captain, and have done so since the collision.

I don't know where Captain Talbot was at the time I went into the pilot-house. I heard his voice, however, giving me orders, and I judge from his voice that he was on deck among the passengers forward. His orders to me were to go ahead. I rang the gong to go ahead. The "Louisana" made three or four revolutions ahead. The next order was to stop, and I gave it with the bell. The tow-boat then sank; the stern had previously sunk, and the bow was held up by our bows by her fore-stay. After the stay was cut, and the tow-boat sank right down, the captain's next order was to back her, and I gave this order.

I think it was something about four minutes from the time we first struck the tow-boat till we backed out and she sank; it may have been more, but I think this is right; I don't think it was five minutes.

When I first came up on hearing the whistle, I came up on the larboard side of the "Louisiana;" but on going up to the pilot-house, I could see and noticed the distance we were from the starboard shore; it was a clear starlight night. Just as I got on the steps coming up, the tow-boat struck us. I did not take notice whether there was a light aloft on the tow-boat or her two at the time; I was too much occupied to notice. I afterwards saw on the deck of the "Louisiana" a small lantern that fell down on the deck.

Cross-examined.

I am still employed on the "Louisiana" as a watchman, and have been most of the time since the collision; a part of the time on the "Perseverance," which belongs to the same line.

I first saw the tow-boat three or four seconds before the collision; I saw her as I stepped outside of the door towards the steps which go up to the pilot-house, up which I ran immediately to go to the pilot-house. I had not time to look at the shore until I got in the pilot-house. The whistle of our boat I heard a few seconds, about ten seconds, before the collision. I did not hear any orders given after the whistle and before the collision, because I was down on the main deck. I heard when the engine stopped, which was just at the same time when I heard the whistle blow. I heard the whistle blow only once.

When I got into the pilot-house the "Louisiana" was heading up stream parallel with the bank. When the tow-boat sank the "Louisiana" had her stern out into the river and her head in towards shore. The stern of the tow-boat sank first; she sank with her head up stream. The "Louisiana" was then outside of the

tow-boat on her larboard bow. When the tow-boat swung around she swung her stern in towards shore, between the steamship and the shore.

It was about 10 or 15 seconds after I went to the gong that I received orders to go ahead. When I got orders to stop, the stern of the tow-boat had sunk and taken ground.

After receiving the order to go ahead, I continued to go ahead until I got the order to stop.

I can't tell how far it was from the place of the collision to the place where the tow-boat sank. Where she sank must have been below the place of collision from the current; it may have been a half a boat's length—a boat's length possibly—below the place of collision, but I can't tell that.

I had seen the captain of the "Louisiana" about 10 or 15 minutes before the collision on the larboard side of the pilot-house with his coat on. A few seconds after he gave me the order to go ahead, he came to the pilot-house, and I saw him in his shirt-sleeves, with a hat or a cap on, I don't remember which; I didn't look to see if he had any shoes on.

It was the mate's watch on deck from 12 to 4; I didn't hear the mate give any orders; I wasn't up there. When I was up there, the capt., whom I saw, (as I also saw the mate,) gave the orders; I didn't hear the captain give any other orders than those he gave me when I was at the gong.

The tow-boat sank about 150 feet from the shore.

Re-examined.

I am acquainted with the river about the place of collision. We met another vessel in that stretch below the place of collision—about half an hour or twenty minutes before; I heard our whistle blown and answered at the time; the mate blew the whistle; I was on the lower deck; it was the mate's watch, and I suppose he blew it—either he or the captain.

I am a Swede, of Stockholm; I have been here off and on for 18 yrs., and on the river between 4 and 5.

(Signed) F. W. BROWN.

(Signed) ROB'T M. LUSHER,
U. S. Comm'r.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of A. Smith, 2d mate, for claimants, taken before and certified by U. S. Comm'r Robert M. Lusher on the 3d Jan'y, 1857, at New Orleans, in presence of Wm. H. Hunt, for clmts., and

E. A. Bradford, for libellants. Offered in evidence March 10th, 1857.

Andrew Smith, a witness for claimants, having been duly sworn, deposes:

I am now the 2d mate of the steamship "Louisiana," and have been so not quite two years; I was on her when she came into collision with the "Anglo Celt;" I had previously been in the habit of running on the river on Texas steam-packets for about 5 years; I consider myself acquainted with the navigation of the river.

On the night of the collision my watch ended at 12 o'clock; I was in my bed at the time of the collision; I was aroused by the noise of the whistle; I was not undressed—had my trowsers on; I afterwards heard the engine stop, and heard the noise of the boats coming together, and then I ran out on deck forward. When I got there the collision had already happened. The boats were still together. Our bow was in the port bow of the "Celt" as far as the pilot-house. The first thing was to go up on the top of the gallant forecastle, where the engineer of the "Celt" called to me to take his child; I did so, and next took his wife on board, and then took his trunk from him; I also helped him on board. All these persons I took from the top of the pilot-house of the "Celt;" her stern was sinking then. After getting these persons on board, I ran aft to get the boat down. The boat was already down, under the direction of the chief mate; I then went forward; the vessels had then swung round, the tow-boat's stern being down stream. She was down by the stern when I got forward. Some of our rigging was hanging on our cat-head; I did not see this rigging cut, but I know that somebody cut it. We got clear of her by the cutting of the rigging, and she (the tow-boat) went down. The "Louisiana" went ahead to try and shove her into shore before leaving her; we could not shove her; she was then down; we then went away, up the river.

When I first came up on deck the vessels, as near as I can come to it, were about our ship's length from the shore. The blow of the collision, as near as I can come to it, was not over five minutes before the tow-boat sank.

When my watch is on deck, it is my duty and custom, going down or coming up the river, to take the wheel.

The "Louisiana" steers excellently well; I can steer her with one hand; I never knew her to take a sheer in the river when I had charge of the wheel.

When I came up and saw the "Louisiana" and the "Celt" in collision, I saw no lights on the tow-boat; I afterwards saw a lantern on the bow of the "Louisiana," which had fallen from the mast of the "Celt;" it was about six inches square; I didn't notice whether it was colored or not; I did not see any light anywhere about her—none at her stern.

On the "Louisiana" there was a light on each wheel-house, and a big white light on the forward part of our chimney, which could be seen six or seven miles off.

Cross-examined.

I am a Swede. At 12 o'clock, relieved by the chief officer, I went to my berth and lay down, but I didn't get to sleep at all; I lay awake in my berth; I don't know exactly how long I had been lying there before I heard the whistle; it was half an hour or so. After the whistle, the next thing I heard was the bell to stop the engine. A minute or two at the longest elapsed between the whistling and ringing; I don't suppose it was over fifteen seconds after the ringing of the bell that I heard the noise of the collision; I couldn't, meanwhile, hear any orders given to starboard or port the helm of the "Louisiana," because my room was down on the boiler-deck, where I couldn't hear any orders given.

I first noticed the position of the vessels in relation to the shore when I first came on deck, immediately after the collision. It was then that I estimated the distance from the shore to have been not greater than the length of the "Louisiana." Her length, in my opinion, is 230 or 240 feet; I don't exactly know. When I first came out, the "Louisiana" was heading up the river. When the tow-boat swung around, she did so inside of the "Louisiana," between the "Louisiana" and the shore.

It was five or six minutes after the collision that the "Louisiana" started her engines to go ahead, trying to push the "Celt" ashore; I can't say how many revolutions her engine made; I suppose about a dozen or so. It was when I was forward the second time that the engines started; this was before the tow-boat was cut loose from the steamship; she was cut loose about a minute or so (as well as I can remember) after the engines of the "Louisiana" started; the tow-boat sank in the same place where the collision occurred, only she swung round; I don't think that the tow-boat lies more than her own length in distance from the place where she was struck, but I can't answer this question well; she sank, I should think, not farther than the length of the "Louisiana" from the shore; the only change in the position of either boat from the line of the collision to the sinking of the tow-boat, was that made by the swinging round of the tow-boat; I think that the tow-boat lies a little below, if anything, the place where she was struck. I didn't notice any light on the tow-boat, either fore or aft. The "Louisiana," in coming up the river that night, had been running at the rate of nine or ten miles an hour. I have lost the use of my right eye.

Re-examined.

In giving the number of minutes between different occurrences

and the number of revolutions of the engines, I cannot state exactly the number; I have stated them only as near as I can.

(Signed) ANDREW SMITH.

(Signed) ROBT. M. LUSHER,
U. S. Comm'r.

U. S. Dist. Court, east'n dist. of La.
No. 7,066.—In Admiralty.

J. M. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of W. H. Talbot, captain, for clmts., taken before and certified by U. S. Comm'r Robt. M. Lusher, on the 3d January, 1857, at New Orleans, in presence of W. H. Hunt, for clmts., and E. A. Bradford, for libellants. Offered in evidence March 10, 1857.

William H. Talbot, a witness for the claimants, having been duly sworn, deposes:

I am now, and have been for several years, the master of the steamship "Louisiana;" I was so at the time of the collision with the "Anglo Celt;" I was then, and have been since the passage of the last act of Congress on the subject, and am now, a licensed pilot, and my license has been twice renewed up to the present time, the licenses being given for a year at a time.

On the trip of the collision we entered the river about the hour of 8 o'clock in the evening; we proceeded along at our usual speed, which is from ten to eleven miles an hour; I was in charge of her, piloting her, from her entrance into the river up to a few minutes before the collision, which happened, as nearly as I can remember, at about a quarter past two o'clock a. m.; I was on deck during all the time referred to; I had not left the deck during any portion of the interval; during all the time the "Louisiana" had steered as usual, which is remarkably well; she is a ship easily steered. Any ship will steer at random in careless hands.

It is so long since that I cannot remember whether we passed a tow-boat about Jordan's flats. In passing these flats the ship was under my eye; it is a part of the river requiring particular care. The "Louisiana" did not, to my recollection, steer badly or take a sheer at that particular place. We were not in danger that night of coming into collision with any vessel, (save the "Anglo Celt.")

After passing the Pointe, (les Hache,) (which is about four miles below the court-house, may be five—not more, I think,) suffering intensely from a wounded foot, I notified the mate, who was the officer of the deck, that I was going to my room to try to relieve my pain, telling him to keep a diligent look-out. I went

into my room and dressed my foot. This room is on the promenade-deck, directly in the rear of the pilot-house, and communicates with the pilot-house. The relative position of the two apartments is correctly shown in the annexed diagram drawn by me.

Diagram has disappeared from deposition.

R. M. LUSHER,
D'y Clerk.

While dressing my foot in my room, seated on the sofa, at about the point T (ink,) in front of the window, I heard one blast of the whistle.

The windows are as in the diagram. The doors there shown were open, the weather being quite warm, and the night with occasional clouds, but what is called starry.

From my position where I was seated, I could see out on either side of the ship, through the windows, or directly in front, through the door and the open window, shown in the diagram.

I had my coat on while dressing my foot, and did not take it off afterwards; it was a very light linen coat, almost white, as such coats become after being often washed. I had on light pantaloons, corresponding to the coat, and no vest.

In reply to the blast of the whistle, I heard a bell; I turned upon my seat and looked out of the window directly behind me, as shown on the foregoing diagram, and saw a tow in the middle of the river, which I afterwards learned to be the "Olivia;" soon after this, I completed dressing my wound, rose up, and was passing through the front door of my room into the pilot-house, to resume my duties, and while in that position, the mate standing in front of the pilot-house, cried out hastily, "Hard a-port;" I, without having discerned any object, seized the wheel or helm, and assisted in throwing it to port; at the same instant the mate sprang to the whistle and gave it one blast; I then instantly discovered an indistinct object near the bank, my first impression being that it was a bunch of trees, and the first intimation that I had of its being a tow was the reflection of the ship's yards upon the horizon; as soon as this discovery was made, I rang the gong to stop the engine, which was immediately obeyed; at this instant the vessels had approached so near to each other that the collision was unavoidable; the "Louisiana" not having time or room to obey her port helm, consequently the collision occurred, the "Louisiana" striking the "Anglo Celt" with a slight angle (less than 45°) upon her port bow; the "Louisiana" was at the time heading directly up the river, and the tow-boat trying (I should think) to get out into the middle of the river, and heading towards the western shore; the impetus of the "Louisiana" being considerable, broke the "Anglo Celt" adrift from the tow; the "Anglo Celt" also still having headway upon her, and heading towards the

western shore, or across the "Louisiana's" bows, canted the "Louisiana's" head slightly towards the middle of the river, which caused the two vessels to make a small circuit; the "Louisiana" still retaining her headway, and with the helm still a-port, commenced canting back again towards the eastern shore, all the while forcing the bow or head of the "Anglo Celt" up the river, the stern of the "Anglo Celt" being left to the current, and the bows held permanently by the headway of the "Louisiana;" the stern of the "Anglo Celt" commenced swinging down with the current, and continued to do so until her stern was directly towards the eastern or right-hand bank; I discovered at this instant that the stern of the "Anglo Celt" was sinking rapidly, her hurricane-deck then being just out of the water; in that position I ordered the engine of the "Louisiana" to be worked forward; the only result arising from this was to carry the bows of the "Anglo Celt" around until they were parallel with the shore, her stern then being aground.

Finding all further attempts to urge the wreck nearer the shore futile, (since we were merely making further inroads into the wreck,) I ordered the engines to be stopped; (it was dark, and I could not see whether we were approaching the bank or not, but perceived that we were making further inroads into the wreck;) the rigging of the "Anglo Celt" being entangled in the bows of the "Louisiana," kept her bows from sinking to the bottom; I then ordered the rigging of the "Anglo Celt" to be cut; the mast of the "Anglo Celt" then fell upon my forecastle; my object in ordering the advance of the "Louisiana," was to urge the tow-boat ashore, if possible, and save the lives and property on board; Mr. Parks, I think, requested me to do so, but I had already ordered the engines to be put in motion for the purpose, before he asked me.

After the mast had fallen on my forecastle, I then, for the first time, discovered attached to this mast a small red light, nearly extinct, (which was taken, cut away from the mast, and I don't know what ever became of it;) I then ordered the engines to be backed, and withdrew from the wreck, and hailed the ship "Neptune," a little below the wreck, but within hailing distance, and inquired if she were hurt, or if I could render her any assistance.

I wish also to state, that when the collision occurred, I was under the impression that I forced the wreck up river; but, at such a moment as that, feeling responsibility resting upon me, and the emergency forbidding my making any observation of any object on shore, to see whether I was moving up or down, I may have been mistaken. The "Louisiana" afterwards proceeded up the river.

While the two vessels were together, every possible effort was made by us to rescue the passengers on the tow-boat; our boats were lowered and sent to their relief; I was all the time myself giving orders for their rescue, the lowering of the boats, &c.

At the time of the collision, the "Louisiana," I judge, was about 250 feet from the shore, a little more than my ship's length, as near as any ship can run with safety at that place; when I came out and took hold of the helm, I noticed that the ship was holding a steady course straight up the river; if there had been any sheer or deviation from her course, I should have noticed it. When I came out of my room and took hold of the helm, I had slippers on my feet.

The pain from which I was suffering was so intense that my withdrawal from the wheel, at the time referred to, was indispensable; I withdrew to apply, to relieve it, a remedy which I had been applying in the course of the day; when I withdrew, the course ahead was straight and easy of navigation; it was a plain stretch up to the church, where there is a very slight point, and hence I embraced the opportunity to get some relief from my pains.

My mate, Mr. Coates, had been with me ever since 1850, except during one year, and made trips passing up and down the river, four times a month; I considered him conversant with the river and its proper navigation.

After the collision, an investigation of it was made by the local inspectors in New Orleans, under the act of Congress, and I was sentenced by them to six months' suspension as a pilot; I appealed from this sentence to the supervising inspector as soon as he returned to the city, and the sentence was reversed by him, and I was reinstated.

(Objected to by libellants, on the ground that record evidence is the best evidence of the facts here referred to.)

R. M. L., *Comm'r.*

Cross-examined.

Mr. Coates is not a licensed pilot; there was on board no other licensed pilot than myself, (employed by the ship;) I had been seriously stung by a catfish at Indianola, three days before the collision, and my foot was very much swollen and very painful.

The "Louisiana" was just above the point, straightened up the river, when I withdrew to relieve my foot; our regular course above there was to keep in close to the eastern bank, above the point opposite to the church; it was about half way from Point a la Hache to the court-house that we passed the "Olivia."

I think I may have been 10 or 15 minutes, perhaps 20, in my state-room; I can't say exactly.

My usual position, when on deck, is always within speaking distance of the man at the wheel; sometimes in front of the pilot-house, sometimes by its side and in it; always in it when doubling a prominent point.

When I went to my state-room, I left my mate directly in front

of the pilot-house; I was standing in the door communicating between my room and the pilot-house, when my attention was attracted by the hasty order of the mate to port the helm; this order was given before the whistle was blown; I am certain of this; after giving this order, as soon as the mate could reach the whistle, he did so; the whistle was in the pilot-house, and the mate came in there to reach it; less than a minute elapsed, I should say, between the blowing of the whistle and the collision.

Being shown the diagram of the river bearing name of "F. E. Giraud, 27 Commercial Place," and marked diagram X by commissioner, witness says, this diagram was caused to be made by Harris & Morgan; so far as regards the position of the vessels on the plan, I dictated it; this plan shows my view of the collision at the time it was prepared, soon after the collision; I cannot state the exact date; it was then my opinion that the "Anglo Celt" was pushed up stream by the "Louisiana," as shown upon the plan, and that she sank above the place where the collision occurred; this was my impression from the fact that the headway of the "Louisiana" was considerable, and that after the "Celt" was cut adrift she still continued to mind her port helm, which was to my mind conclusive evidence that she was still going up the river.

After the vessels came together, I immediately went forward to see what was going on, and to give such orders as might be necessary for the saving of the people, &c.

When I gave the orders to go ahead, I was standing as far forward on the promenade deck as I could be; this order was given some two or three minutes after the collision; the people had got out of the "Celt," with the exception of those on the wheel-house, who were waiting rescue by the boats; we were about 240 feet from the eastern bank when I gave the order.

Question. Who was standing with you at the time when you gave the order?

Answer. I cannot indeed tell any one in particular; people were standing all around me; I cannot state particularly who was near me when I gave the order.

I cannot give the name of any person who was standing near me; I was too much occupied to notice; I had no conversation whatever with any one in relation to this order before I gave it; the idea was entirely of my own suggestion; I afterwards received a suggestion from Mr. Parks, I think, but the inquiries had been started before I received the suggestion from him; no one spoke to me on the subject before Mr. Parks did, (that is, the person who I think was Mr. Parks;) no one to my recollection spoke to me in reference to this order after Mr. Parks did; at the time I gave the order, I think the stern of the tow-boat was aground; when we backed out from the tow-boat, the steamship was off the larboard bow of the tow-boat, as shown upon the diagram; in swinging around the tow-boat passed between the steamship and the eastern shore.

Question. How long a time was it from the collision until you backed out from the tow-boat and left it?

Answer. I was very much occupied, and therefore I cannot correctly compute the time, but should think from five to ten minutes; I can't say how many revolutions the engine made after the order to go ahead.

It was after we backed out that I hailed the ship "Neptune;" she was then a short distance below the wreck, heading on shore, and I presume aground in the mud; she may have been I suppose about 200 yards below the wreck.

I am familiar with the coast about there; I think there is one old building immediately opposite the wreck, which I should denominate a two-story house; all the other houses along there, except the court-house, are one story; I believe I have never been ashore there; there is no eddy below the point above where the collision occurred, but the current there loses its strength, and the water is shoal.

The night of the collision was warm and starry, calm—passing clouds; no moon that I saw—none at all that I saw during the evening.

We had some carriages on the forward part of the promenade deck; the pilot-house is on this deck; two carriages were forward of the pilot-house, but out on the side—not immediately in front of it, and the rest abreast of the house; there was but one carriage forward of the wheel-house on each side; they were covered carriages—good sized waggons, single horse waggons, if I recollect aright.

Being asked how long it takes the "Louisiana" to mind her helm, when put hard a-port, the ship being under full headway, at the rate of 10 or 11 miles an hour, witness answers: this depends on circumstances; if there is shoal water on one side of her and you wish to bring her into still shoaler water, she will obey her helm with more reluctance than otherwise; but if she is in deep water, with no shoal water on either side, she will commence to obey her helm in once and a half of her length, which is very quick for a vessel of her size; I think that she is about 215 feet long. She hadn't commenced to feel her helm, after the order was given, before the collision took place, because she hadn't time to do so, and there was shoal water on the inside of her.

I first noticed the shore, the moment I discovered the indistinct object referred to. This was just after the whistle was given, which was done just as I put my hand on the wheel; it was all done in about the same instant; I didn't notice the other shore—the western; I never measured the river there; I think it is about a mile wide; not over that, certainly.

Since this suit was brought I have mostly attended to the getting

of testimony for the defence. Harris & Morgan, the owners of the vessel, have not left this matter entirely in my charge; I have been present during the examination of some of the witnesses on each side; I have attended to the procuring of all the depositions taken in Texas, but I have not been present at the taking of any of them; I gave the names of the witnesses whom I desired to have examined in the case; I had never at any time conversed with any of them on the subject, except with Mr. Lockhart, whom I met here and conversed with in reference to the subject.

Re-examined.

The carriages referred to were so placed on deck that they could obstruct the view of the *by* person in the pilot-house only of such objects as were nearly abreast of the pilot-house. They could not intercept the views of the mate where he stood, or of the look-out on the forecastle deck.

My present impressions are that the diagram X correctly represents the collision and the movements of the vessels; but those persons who lived ashore there had better opportunities than I of judging whether the "Louisiana" floated up or down; so that I may be mistaken on that point.

The diagram X, exhibited, represents very nearly, but not quite correctly, the manner in which the vessels came together, and very correctly the position of the vessels when the "Louisiana" backed out from the wreck; as regards the position in which the vessels came together, the tow-boat in my opinion should be represented as heading a little more out into the river.

If the collision had occurred in the middle of the river, and the tow-boat been left to the influence of the current, she would inevitably have floated down to the other (western) shore.

I didn't notice the western shore, because the eastern was so much nearer to me that it alone interested me at the time.

(Signed) W. H. TALBOT.
(Signed) ROBT. M. LUSHER,
U. S. Comm'r.

U. S. Dist. Court, east'n district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of R. Coates, 1st officer for "Louisiana," for claimants, taken before and certified by U. S. Com'r, Robert M. Lusher, on the 16th January, 1857, at New Orleans, in presence of W. H. Hunt, for claimants, and E. A. Bradford, for libellants; offered in evidence March 10, 1857.

R. S. Coates, a witness for claimants, being duly sworn, deposes: I was the first officer on board of the steamship "Louisiana" at the time she came in collision with the "Anglo Celt," in May, 1855; I had *be* engaged as first officer of steamers in the Texas trade, some five or six years before; I was during that time engaged upon packets making regular trips every ten days, and passing up and down the river as often as five times through the month. Before that I had been in command of vessels sailing from New Orleans; some five or six years previously, and during that time, I sailed regularly between New Orleans and Charleston, and New Orleans and Matagorda bay; I am not now in the service of Harris, Morgan & Co., nor in that of the steamship "Louisiana;" I am engaged in charge of one of the warehouses of Mr. C. W. Lytle; have been so engaged since Dec'r, 1855.

I have brought my own vessels up and taken them down the river, and consider myself competent to do so; am familiar with the coast between New Orleans and the mouth of the river, and the proper course of navigation.

It was 12 o'clock when I went on watch on the night of the collision; I was standing in front of the pilot-house at the precise moment of the collision; Capt. Talbot complained of suffering from his foot which had been hurt some days before by a catfish, and requested me to look out for the ship whilst he relieved himself by dressing it in the door of the pilot-house, which leads into his room, at a level with his own floor; his room opens right in front, adjoining the pilot-house, with windows and doors on both sides; am confident that there are doors on the side; know that there is a door on one side; whether there is one on the other I cannot say; am confident that there is one on the larboard side, and one communicating with the pilot-house, and another aft; cannot recollect whether there is one *one* on the starboard. Some time after he entered his room a boat passed us; I gave the usual signal; captain asked some questions concerning the boat passing; after that I was on the deck as usual, and saw an object ahead of our ship, and seeing it I stopped to examine to see what it might be; my first thought was that it was a vessel ascending the river, but soon discovered that we were getting too close to each other; I immediately called to the man to put his helm hard a-port, then started aft and blew the whistle, the handle of which is in the pilot-house at the door; there I found the captain at the wheel, assisting the man to put the wheel a-port; we were too near at the time to avoid the collision, and hence came together; the vessel had not time to answer her helm. When I first discovered the object ahead of our ship I couldn't tell what it was; I perceived no lights upon it. In the first place, after having seen it, I took it to be the shadow of the trees from the bank upon the water; afterwards I took a notion that it was a vessel ascending the river; the position of the vessel

in by the bank as she was, made me think so, knowing as I did that it was against all rules of the river for a boat descending the river to be so near in to the bank, as I always understood that the middle of the river was the proper position; I should think we were heading right up the river at the time of the collision; I know so, as this was our usual course along the bank. Neither our bell nor our whistle was answered within my hearing; if it was I didn't hear it; I should think the tow-boat was heading off the shore. It is almost impossible for a person to be positively certain in matters of this sort, but the way we came into collision and every circumstance induces me to think so.

I suppose we were in the neighborhood of 80 or 100 yards from the bank; I should judge so.

We struck the tow-boat a little on her larboard bow; I think our bows went in her up to her pilot-house. The ship in tow went loose from her and went by us. After we struck the tow-boat we worked round some how and got her head up stream.

The force of the current on one side, and the pressure of the steamship on the other, threw her stern round, and thus got her head up stream; the captain of the "Louisiana" intended urging her as far in to shore as possible, but, in fact, her stern grounded soon after we came in contact with her; her bows were kept up, and by the mast falling the rigging got entangled over the cat-head of the "Louisiana;" this kept the bows from sinking; I had the rigging cut; in the first place I heard some one request the captain to force the boat in shore, when I remarked that her stern was already grounded; I believe the captain made the effort, but I am not certain; after the rigging was cut the boat sank and we backed out; the boat sank within three and five minutes after the rigging was cut, I should think; I went in the yawl after the men on the tow-boat after the collision; we took four of them and put them on board of our vessel; the wheel-houses were above water at the time; I saw no light at her stern; didn't know that she had a flag-staff there, or any at all on board of her; I never saw one; when the mast fell on the deck (previous to my going in the yawl) I discovered a lantern on the mast-head of the "Anglo Celt," tied to the mast, which had fallen over to our deck; it was a small red lantern, (whether the glass was red, or it was covered with red cloth, I don't remember,) and it was tied to the mast-head, on the after part of the mast, when I saw it; whether it was swung to the after part by the fall of the mast or not I don't know, but it was certainly on the hind part when I saw it; I saw no light at all on the tow-boat at any time before I saw this lantern (after the mast had fallen.) From the moment when I first discovered the black object, which I at first took to be the shade of the trees, my attention was not directed to anything else; during this time there was no light visible to one in the position which I occupied; I saw none. I tried

the lead after I heard the proposition to the captain to urge the tow-boat to the shore; I tried it myself on the larboard side of the ship, and got something short of three fathoms on water. When the captain, on retiring to dress his foot, sang out to me to take care of the ship, there was no difficulty in the navigation before me that I saw; I had no question as to my competency to run it; my eye-sight is very good at night; there was nothing at all to intercept my view from where I stood from the time when I was called to take charge of the ship up to the moment of the collision. Of the waggons on deck I was entirely forward myself; they do not obstruct the view of the man at the wheel, and I was entirely forward of them, and standing up at the fore part of the rail; there was a man on the look-out, that I always keep there, on the topgallant forecastle.

Cross-examined.

I had been asleep before I came up on deck to take watch of the vessel; I had retired from duty at 8 o'clock; I don't recollect whether there was any moonlight that night or not; the ship was somewhere in the neighborhood of Pointe à la Hache at the time the captain left me in charge of the ship; I don't now recollect whether we were above or below the Pointe at the time; I believe it was above; it was a little after 3 o'clock a. m., after 2 o'clock a. m., the latter I think, I don't recollect exactly which; I can't exactly say, but I think it was about ten minutes after the captain retired that we met and exchanged signals with the descending tow; I am acquainted with the coast along there, but I am not certain of the names of the points; I know where the court-house is situated there; it was below the court-house that we passed the descending tow, some little distance below, but I can't recollect now how far below; it was somewhere about ten minutes—I can't exactly tell—after passing it, that I discerned the black object referred to; we were then above the court-house, I can't say exactly how far; we were not very far above the court-house when the collision occurred; I am certain we were above it when I discovered the black object; I recollect having noticed the court-house when we passed it; the black object then seemed to be eight or ten lengths of the ship ahead of us; my first impression was, that it was a vessel going up stream; after, I came to the conclusion that it was not the shade of the trees; after that I saw that the vessels were coming together too fast, and I immediately ordered the helm to be put hard a-port; I was then standing near the rail, on the forward part of the pilot-deck, twenty feet, perhaps more, forward of the pilot-house; I immediately gave the order on discovering that the object was a descending boat; my order to port the helm was given before I blew the whistle; I then ran back and started the whistle myself; when I got back to the pilot-house I found Capt. Talbot

assisting the man at the wheel; it was not a minute—not more than a minute—before the collision that I gave the order to port the helm; the bell of the "Louisiana" was rung to stop her before the collision; I heard it rung, either the stop bell or the slow bell, I don't know which; I heard it after the whistle; I can't say that it was more than three minutes from the time of my first discovery of the black object until we came in contact; after blowing the whistle I started forward again, and had scarcely got forward to the rail when the vessels came together; I then went down on the topgallant forecastle of the "Louisiana" and assisted some people, among them a lady and her child, in getting on to the "Louisiana;" after leaving them I think I threw the lead from the promenade deck, where the lead is kept; I then went again to the topgallant forecastle to hurry everybody from the tow-boat on to the ship; then, after I understood everybody to have got on board of the ship, I cut the rigging of the tow-boat, and her forward part went down; after that, hearing some persons *hollowing* from the tow-boat, we lowered our boats, went off, and brought these persons to the ship; the ship had backed out, or drifted from the wreck, before the boat was lowered. The collision took place above the court-house, but at what distance I can't say; my impression is that the tow-boat may have drifted down a little from the place of collision before sinking, but she had very little time to drift; my impression is that the collision occurred a little above the place where we left the wreck; it is difficult to answer how far above, because in the excitement of the moment one could not notice this circumstance particularly; I can't answer how far above, for, being excited, I did not notice such things; the first light that I saw was on the mast after it fell; the light was then burning, a small dim light.

Being asked if the captain of the Louisiana was in the habit of allowing him to act as pilot of the ship up the river, witness says: The captain never did allow it; I never acted as pilot on the ship. The capt. when he first went into his room said to me, "Keep a good look out; you understand the signals."

I was examined before the inspectors after the collision. I believe my testimony was taken down in writing; I have not seen it since; it has not been read to me. It was not read over to me after I gave it, so that I don't know whether it was taken down correctly or not.

Being asked if he did not sign it after it was taken down, witness answers: I don't recollect if it was taken down, nor whether I signed it or not. I don't recollect the name of the man who was on the look-out on the topgallant forecastle. The topgallant forecastle is a little below the pilot-deck, about half way between the main deck and the pilot or hurricane deck.

Being asked what was the position of the Louisiana in *relative*

to the Anglo Celt at the time the latter sank, witness answers: The bow of the Louisiana was into the bow of the Anglo Celt, but whether on the inside or the outside of her I cannot recollect; I am not able to state—don't recollect at all.

Re-examined.

I have no doubts as to the position of the vessels in the river at the time of the collision, and this, I judge, was from 80 to 100 yards from the eastern shore.

(Signed) R. S. COATES.
(Signed) ROB'T M. LUSHER,
U. S. Commissioner.

U. S. Dist. Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of N. Roger, of Plaquemines, for claimants, taken before, and certified by, U. S. Commissioner Rob't M. Lusher, on the 9th July, 1856, at New Orleans, in presence of Wm. H. Hunt for claimants, and E. A. Bradford for libellants. Offered in evidence March 10th, 1857.

Narcisse Roger, a witness for the claimants, having been duly sworn, testifying in French, deposes:

Translation.

I reside at Pointe à la Hache, about two arpents above the church, in the parish of Plaquemines. I am a physician, and have resided in the parish upwards of 20 years, and in the place where I now am for the last 8 years. In May, 1855, I was there, at my residence, and heard the noise of the collision that took place between the "Anglo Celt" and the "Louisiana;" came out immediately and saw the vessels a moment after the occurrence. My house stands back about 200 feet from the bank of the river; the public road and the batture being between my residence and the river.

I was lying down at home asleep, and was aroused by a whistle from some boat, but whether coming from above or below I cannot say. Silence ensued for a moment, and afterwards a crashing noise was heard by me of great violence, as though falling on my house. I at once jumped out of bed and went out from my room right on to the gallery in front. On opening the door to get out I discovered the boats across each other, at a little distance above my residence. There were two steamboats and one ship entangled together. The two steamers were one against the other, and the ship loose outside of the steamers. I saw several lights burning on the vessels. Owing to the fact that it was in the night-time, and that

I was about 200 feet distant from the bank, I cannot speak with any certainty as to the distance of the steamers from the river bank; but I think that, at the most, they were not more than two arpents distant from the the shore when I first saw them. The steamship masked the tow-boat—that is, was nearer to the shore than the tow-boat. They were lying in a position parallel to the bank; the steamship's bow up stream, and the tow-boat's down stream. I watched these boats for two or three minutes, in which time they disappeared from my view, being hidden by the trees on the bank below my residence. I could still see, partially through the trees, the lights of the boats which were burning; but gradually these lights and the fire of the boats disappeared, seeming to sink down as it were. I then retired and went to bed again, but in a few minutes I was again aroused by cries of alarm and fright, among which I heard women's voices; I then heard occasional puffings of steam irregularly. I remained in my bed, and half an hour afterwards heard some steamboat ascending the river.

This collision occurred, as well as I can say, about half-past three o'clock in the morning. The weather was clear and calm. The night was very clear.

Next morning I saw a steamboat sunk opposite the plantation of Mr. Step'n Dolèse; the whole deck and walking-beam of the boat was visible above the water. This boat was about 200 feet off, more or less, but more probably more than less, I should say. I am familiar with the course of the river banks at that place, having frequently gone along on both sides of it.

Diagram Z, now before me, is probably a correct representation of the river banks when the water is high, covering the batture, but not when it is low, the batture changing the form of the banks. The trees on the bank extend from opposite the church down to about opposite the court-house. These trees are irregular along the bank, not all together.

My residence is situated on the bank where it advances the farthest forward into the river.

Below the point "P" on diagram the bank runs in about the course indicated by the plan; the batture formed in front of it below the point is very flat, and extends nearly down to the court-house. The current in that part of the river strikes and eats into Wilkinson's point, from which it runs into the hollow just above the point P, and then sweeps out past this point towards the other side of the river.

I am pretty sure that the boats were in the position in which I have described them at the time of the collision. I am certain that they were not in the middle of the river, but more towards the bank on which I was. If they had been in the middle of the river and left to the current, they would have been carried by it over the other bank below. The current was not very strong at

that time. The court-house is about 22 to 23 arpents below my residence. A mile is equal to about 28 arpents. A person at this court-house (which stands back from the river bank) could not, in my opinion, see the vessels in the position in which they were when I first saw them. The trees would prevent it.

Cross-examined.

I went to bed the night of the collision at about 8½ o'clock. I had been asleep, and the noise of the whistles aroused me. Two or three minutes elapsed before I heard the noise of the collision, but I can't say exactly how long.

After the whistle—two whistles—I heard small bells ring (such as an engineer rings,) when the noise of steam ceased, and a moment after I heard the shock of the collision. I heard the whistle several times, and it was this repetition that seemed extraordinary to me. I am certain that I heard the repetition of the whistling, for it was the whistling that awakened me, and after awaking I still heard it several times.

When I first saw the boats they were a little above my house. I jumped out of bed as soon as I heard the shock, and went out on my gallery, and saw the boats. The boats disappeared in 4 or 5 minutes, about (I can't say precisely,) behind the trees, after I first saw them. For a distance of about two arpents below my residence the river bank was free of trees, and I could see well. I saw the boats well while they were passing down this distance. I did not during this time hear the noise of steam on either boat. The boats as they went down followed the current, and kept at about the same distance from the shore as when I first saw them. They were still drifting down when I went back again to bed. I was stretching myself in bed, getting ready to resume my sleep, when I heard the cries of alarm. I can't say what time elapsed between the shock of the collision and these cries of alarm, as I did not notice the lapse of time, being absorbed while up in following the boats with my eyes. I can't give any idea of the time that elapsed. I did not get up again on hearing these cries of alarm. It was 7 or 8 o'clock next morning that I saw the sunken boat.

(Sketch of river exhibited by libellants. Claimants' objections reserved.)

Witness says: The position of the wreck, as I saw it the next morning after the collision, is correctly indicated on this map. It was about six or seven arpents below my house, more or less. The same morning I saw a three-masted vessel moored to the shore a little farther down the river than the wreck was—at least four or five arpents lower down.

Direct resumed.

At no time after I first saw them did the boats either go farther

Six or seven minutes elapsed after I heard the crash and came out on my balcony before I could see the boats. They were when I first saw them about 400 feet distant from the shore. I can't be certain of this distance, but state it as nearly as I am able. About 20 minutes passed after this (as near as I can say) before I lost sight of the boats behind the building in front of my house. There are trees on the bank in front of my house—not directly in front of it. Below the point P, and in front of my house, there is some current down stream, so that there is no eddy there. From the moment that I first saw the boats they followed the course of the current until the tow-boat sunk.

(Libellants' sketch shown to witness.)

The wreck of the tow-boat is correctly indicated on this plan. The position of the ship relative to the tow-boat is also correctly represented, as I saw her the next morning, about two or two and a half arpents below the wreck. When I first saw the boats the steamship was distinctly visible to me, but the tow-boat concealed by her, being outside of her. When the boats passed my house, the tow-boat was parallel with the shore, and the steamship with her bow in the side of the tow-boat, and her stern in to shore. The steamship was still inside of the tow-boat. The boats were still sticking together, hanging together at their bows. They were hidden from my view (behind the house in front) when I heard the cries of alarm. It was almost immediately after the boats got behind this house that I heard these cries. I ran to the bank as soon as possible, and then the boats were still in the same position, the steamship having her stern in towards the shore, inside of the tow-boat. When I reached the bank the tow-boat had already sunk, and was almost level with the water. The tow-boat still remains in the same position. In my youth I was a sailor. I am now a rice planter. I have been in New Orleans since yesterday.

Re-examined.

Some moments after I got on the gallery of my house I saw the lights on the boats—not at first. When I say that the boats followed the current below the point P, I do not mean the principal current of the river, for they had lost the thread of this current before I saw them. From the moment when I first saw the boats they kept the same relative position towards each other. I can say positively that the steamship was all the time inside, and the tow-boat all the time outside. They made no manœuvres at all.

(Signed) E'NE DOLÈSE.

(Signed) ROB'T M. LUSHER,
U. S. Commissioner.

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U. S. District Court, east'n district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of C. Dragon, of parish of Plaquemines, for claimants, taken before and certified by U. S. Comm'r Robert M. Lusher, on the 9th day of July, 1856, at New Orleans, in presence of Wm. H. Hunt for claimants, E. A. Bradford for libellants.

Charles Dragon, a witness for the claimants, having been duly sworn, testifying in French, deposes:

Translation.

I am a planter, in the parish of Plaquemines, and a native of that parish. I live next to and below Mr. Dolèse.

I did not see the boats until after the collision, and when the tow-boat was 100 feet above where she sunk. I was asleep at the time of the collision, and did not hear the shock. I did not see any lights on the tow-boat at the time she sunk. Next morning at daybreak (4 o'clock) I went down to the bank, and could then see the flag-staff of the tow-boat at her stern with a lantern on it, but there was no light in it.

The current of the river makes over from in front of point P towards the other shore. A boat in the middle, opposite that point, and abandoned to the current, would drift over to the other shore. A boat there could not be seen by a person standing in the court-house. I have never made the trial myself, but there are trees along there which intercept such a view.

When I first saw the boats they were about 200 to 250 feet distant from the shore.

Cross-examined.

I raise rice, potatoes, and corn; have done so for 50 years. I did not go to the bank at all before the boat sunk; did not go until next morning. The wreck of the boat lies just opposite the dividing line between Mr. Dolèse's property and mine. My house is about 150 feet from the shore, and about 400 feet from the wreck.

When the boat sunk I was looking on. I could distinguish the ship well, but not the other, she being almost sunk. The stern of the steamship was in towards the bank, and her bow resting on the bow of the tow-boat, which was across her. From my gallery I could not see how far the stern of the steamship was off from the bank, but I think it likely that her stern almost touched the bank. At the time the tow-boat sank I did not see any lights on the tow-boat. I remarked both boats, and saw lights on the steamship, but none on the tow-boat. I cannot say positively that there were

no lights on the tow-boat. There might have been lights on her which may have been concealed by the steamship.

(Signed) CHARLES DRAGON.

(Signed) ROB'T M. LUSHER,
U. S. Commissioner.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of Mad. Vve. U. Narty, of Plaquemines parish, for claimants, taken before and certified by U. S. Comm'r Rob't M. Lusher, on the 17th July, 1856, at New Orleans, in presence of Wm. H. Hunt, for claimants, and E. A. Bradford, for libellants. Offered in evidence March 10th, 1857.

Vve. Ursule Narty, a witness for the clm'ts, having been duly sworn, testifying in French, deposes:

Translation.

I reside at Pointe à la Hache, Plaquemines parish; I recollect that there was a collision down there about one year ago, which took place three or four arpents above my residence on the river. My residence was, and is, about 15 arpents above the court-house, between it and the church. What woke me up and attracted my attention that night first, were the cries of the wife of the engineer and her child on the tow-boat. My house is right on the river bank, and I immediately went out on the bank. The two boats were then in collision, bow to bow, directly in front of my house. The bow of the steamship rested on the bow of the tow-boat, and as soon as the steamship backed out, the tow-boat sank, immediately in front of my house, at about an arpent and a half's distance out from the bank or my house.

I noticed both boats when I went out; there may have been lights on the tow-boat, but I did not see any on board of her; the steamship was lighted up all around.

The collision occurred at about 3 o'clock in the morning; I did not retire to bed again that morning; after daylight I noticed the tow-boat; her upper works I saw, and also the mast or flag-staff at her stern; I did not notice whether there was any lantern fastened to it or not, but I did not see any light on it.

Cross-examined.

My residence is about three or four arpents below the church; I did not see the boats come together at first, nor did I hear the noise of the collision; it was not until the boats were in front of

my house that the cries of the engineer's wife woke me up; when I first saw the boats I was about one arpent off from the bank; the boats were then about an arpent and a half off from the bank, the stern of the steamship (which is quite long) being towards the bank; as soon as the steamship left the tow-boat, the latter sank; the steamship then went up stream again; when the tow-boat sank, her bow was turned up stream; the steamship was then between her and the bank, and, on backing out from her, almost touched the bank.

At the moment the steamship drew out and the tow-boat sank, the steamship was between the tow-boat and the bank; when the steamship drew out, the tow-boat was budged from her position about half an arpent closer to shore.

When I first saw the boats, the head of the tow-boat was up stream, and at that time the steamship was between the tow-boat and the shore, her stern almost against the shore, and lying at right angles with the tow-boat, and with the shore; the boats were in this position relatively to each other when the steamship drew out from the tow-boat.

I am 67 years of age.

(Signed) VE. U. NARTY.

Continuing: When I saw this occurrence, my grandson, 16 years old, was with me, and also the baker, by name Francois Lanusse; (he, with Mr. Bernard Savoy, was the first to see the collision.)

(Signed) ROBT. M. LUSHER,
U. S. Commissioner.

U. S. District Court, east'n district of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Deposition of B. Savoie for claimants, taken before and certified by U. S. Comm'r Rob't M. Lusher, on the 17th July, 1856, at New Orleans, in presence of Wm. H. Hunt, for claimants, and E. A. Bradford, for libellants. Offered in evidence March 10th, 1857.

Bernard Savoie, a witness for claimants, having been duly sworn, testifying in French, deposes:

Translation.

I am a baker; reside at Point à la Hache; 23 years of age. The morning of the collision, which occurred about a year ago, I was out on the wharf in front of my bakery, which is on the levee; I

no lights on the tow-boat. There might have been lights on her which may have been concealed by the steamship.

(Signed) CHARLES DRAGON.

(Signed) ROB'T M. LUSHER,
U. S. Commissioner.

U. S. District Court, eastern district of Louisiana.

No. 7,066.—In Admiralty.

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Vve. Ursule Narty, a witness for the clm'ts, having been duly sworn, testifying in French, deposes:

Translation.

I reside at Pointe à la Hache, Plaquemines parish; I recollect that there was a collision down there about one year ago, which took place three or four arpents above my residence on the river. My residence was, and is, about 15 arpents above the court-house, between it and the church. What woke me up and attracted my attention that night first, were the cries of the wife of the engineer and her child on the tow-boat. My house is right on the river bank, and I immediately went out on the bank. The two boats were then in collision, bow to bow, directly in front of my house. The bow of the steamship rested on the bow of the tow-boat, and as soon as the steamship backed out, the tow-boat sank, immediately in front of my house, at about an arpent and a half's distance out from the bank or my house.

I noticed both boats when I went out; there may have been lights on the tow-boat, but I did not see any on board of her; the steamship was lighted up all around.

The collision occurred at about 3 o'clock in the morning; I did not retire to bed again that morning; after daylight I noticed the tow-boat; her upper works I saw, and also the mast or flag-staff at her stern; I did not notice whether there was any lantern fastened to it or not, but I did not see any light on it.

Cross-examined.

My residence is about three or four arpents below the church; I did not see the boats come together at first, nor did I hear the noise of the collision; it was not until the boats were in front of

my house that the cries of the engineer's wife woke me up; when I first saw the boats I was about one arpent off from the bank; the boats were then about an arpent and a half off from the bank, the stern of the steamship (which is quite long) being towards the bank; as soon as the steamship left the tow-boat, the latter sank; the steamship then went up stream again; when the tow-boat sank, her bow was turned up stream; the steamship was then between her and the bank, and, on backing out from her, almost touched the bank.

At the moment the steamship drew out and the tow-boat sank, the steamship was between the tow-boat and the bank; when the steamship drew out, the tow-boat was budged from her position about half an arpent closer to shore.

When I first saw the boats, the head of the tow-boat was up stream, and at that time the steamship was between the tow-boat and the shore, her stern almost against the shore, and lying at right angles with the tow-boat, and with the shore; the boats were in this position relatively to each other when the steamship drew out from the tow-boat.

I am 67 years of age.

(Signed) VE. U. NARTY.

Continuing: When I saw this occurrence, my grandson, 16 years old, was with me, and also the baker, by name Francois Lanusse; (he, with Mr. Bernard Savoy, was the first to see the collision.)

(Signed) ROBT. M. LUSHER,
U. S. Commissioner.

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Bernard Savoie, a witness for claimants, having been duly sworn, testifying in French, deposes:

Translation.

I am a baker; reside at Point à la Hache; 23 years of age. The morning of the collision, which occurred about a year ago, I was out on the wharf in front of my bakery, which is on the levee; I

had got up at 2½ to 2¾ a. m., to make up my leaven, and afterwards I went on the wharf to wash my hands, when I saw the steamship coming. My wharf extends about 25 feet out into the water, half its length from the levee, (50 ft.) Before getting up to my house and at some distance below, the steamship was whistling, "toujours à sifflet;" kept on whistling hard, and continued to whistle, stopping from moment to moment, until she passed my wharf at a distance of about 250 feet from the shore, going up; and keeping in the same direction I saw the tow-boat, at that time at about the same distance—a distance of not more than three hundred feet from the shore; she was then opposite Dr. Royer's house, or a little above it. As soon as I saw the steamboat pass up and the tow-boat coming, I retired from my wharf and went into my bakery and did not see the collision. The moment I entered the bakery I heard the shock (tapage) of the collision, and immediately went out again; I then saw the boats afoul of each other at the bows; they were then about 250 to 300 feet from the shore; I am certain that they were not in the middle of the river; they continued drifting down the river in about the same line; the tow-boat sank right in front of my door; I remained on the bank while she was sinking.

The tow-boat had her bow up stream and her stern below, and the steamship had her bow down stream and her stern up stream; the steamship at this time was nearer to the shore than the tow-boat, and her stern was not more than 100 feet off from the shore. Immediately before the tow-boat sank, the tow-boat was lying parallel with the shore and the steamship quartering on to the tow-boat, their bows being hitched together; the stern of the steamship was closer to the shore than any other part of her. When the steamship disengaged (se décrochart) herself from the tow-boat, there was another crash, and the tow-boat then sank.

I noticed the wreck of the tow-boat just as she sank, and also next morning; I did not go to bed at all again. I saw the flagstaff of the tow-boat on both occasions and saw a lantern fastened to it, but there was no light in it on either occasion. The steamship went up stream after getting clear of the tow-boat.

Cross-examined.

My bakery is on the levee, about 100 feet from the water; it was at the same distance at the time of the collision; it is about half way between the church and the court-house—if anything, a little nearer to the church. When I first saw the steamship coming up, she was opposite to the court-house; the whistling of the steamship attracted my attention to her, so that she was whistling opposite the court-house. The steamship whistled oftener than once, I am certain, but before she came into collision with the tow-boat she whistled a long time without stopping. The steamship was

whistling all the time from when I first saw her till I went into the bakery, stopping momentarily and then recommencing; when I first saw the tow-boat she was a little higher up than Mr. Royer's, opposite the point; when I first heard the steamship whistling, I knew there must be another boat coming, so I turned round and looked up stream and then saw the tow-boat. The steamship had already passed my bakery for a minute or so, when I went into the bakery. Not more than three or four minutes after, I heard the noise of the collision; I had begun to undress myself.

The steamship passed my house very fast; she passed without checking her speed. When I first saw the tow-boat, she was at a distance of about 250 feet from the bank; she was just at the point when I first saw her; I then saw lights on the tow-boat, but don't think it was a light in the lantern, but the fires of the boilers or furnaces; I saw it was a tow-boat; I looked at her only a moment. After coming out of the bakery I saw the steamship and tow-boat in collision, a little above Mr. Royer's, opposite.

Question. When you came out and first saw the boats, after coming out of the bakery, what was the relative position of the boats, one to the other?

Answer. I could not then distinguish one boat from the other; there was no moonlight, but the night was clear; a moment after, I could see that the steamship was nearer in to shore than the tow-boat. When I was first able to distinguish the boats, they were opposite Mr. Charles Dragon's land.

Question. So that before the boats were opposite Mr. Dragon's place, you could not distinguish one boat from the other?

Answer. No. Mr. Dragon's land is above Mr. Step. Dolèse's, between my place and the church, and nearer to me than to the church. During all this time the boats came down at about the same distance, about 250 feet from the land.

When I was able to distinguish the relative position of the boats, by knowing which was which, I saw that the steamship was nearer to the shore than the tow-boat; the tow-boat then had her bow up stream, and the steamship was between her and the land.

The boats touched bow to bow. The steamship's bow was down stream then; the stern of the steamship was nearer to the shore than her bow; the bow and stern of the tow-boat were about the same distance from the same shore. The boats kept this same relative position until the tow-boat sank.

The steamship receded from the tow-boat just after the tow-boat sank. The steamship got clear of the tow-boat by backing out. When the tow-boat sank there were no lights on her; when she came near enough for me to distinguish her, I did not notice whether there were lights on her or not; I did not take notice to see whether there were lights on the tow-boat or not, until after the steamship

left her. I am certain that when she sank there were no lights on her.

In the morning when I looked at the tow-boat, I saw a lantern on her flag-staff behind.

As to how many minutes elapsed between the time when I first saw the tow-boat on coming out of the bakery, till she sunk, I can form no idea, having no watch in my hand. Being asked if it was ten, twenty or thirty minutes, witness answers, I think it was near about a quarter of an hour.

I have been at Pointe à la Hache about twenty months. I cannot speak English at all.

(Signed) B. SAVOIE.
(Signed) ROB'T M. LUSHER,
U. S. Commissioner.

U. S. District Court, east'n district of Louisiana.

In Admiralty.—No. 7,066.

J. W. STANTON & Co.
vs.
STAMSHIP "LOUISIANA."

Evidence for Claimants.

Deposition of Francis Moore, jr., passenger on "Louisiana," taken under commission of sixteenth February, 1856, at Houston, Texas, (it is presumed,) and certified on the 21st day of February, 1856, by T. B. J. Hadley, U. S. Comm'r in the State of Texas, on interrogatories and cross-interrogatories. Read and offered in evidence for claimants March 10th, 1857.

Claimants' 1st interrogatory. What is your name; what your age; and where do you reside?

Francis Moore, jr., answers: My name is Francis Moore, jr.; my age 47 years and ten months; and I reside in the city of Houston, in the State of Texas.

Claimants' 2d interrogatory. Were you a passenger on the "Louisiana" in May last, when she came in collision with a tow-boat in the Mississippi river; if so, where were you at the time of the collision; where was your state-room, and did you see the collision, or any part thereof; if so, what part? State fully all that you saw.

Answer. I was a passenger on the steamer "Louisiana" in May last, when she came in collision with the tow-boat "Anglo Celt;" I was at the time of the collision in my berth in a state-room on the right-hand side of the "Louisiana," just back of the wheel-house. When the collision occurred, I was lying in my berth with the door open; I was startled by the severity of the shock of the steamer, and knowing it could be occasioned by drift-wood, I sprang

up and ran out to see what was the matter; I had proceeded only a few steps forward when I heard cries forward, "Oh, we are sinking!" "We are sinking," &c.; and thinking it was the "Louisiana" that was sinking, I ran back to my state-room for my watch and some money I had under my pillow; I stopped to notice the distance to the shore to ascertain whether I could swim to it easily, and was quite relieved from all anxiety to see that the shore was apparently only sixty or seventy yards distant; I aroused my fellow-passenger, and told him the boat was sinking, and that we should have to swim ashore; I then hurriedly arranged my money and watch, to swim ashore with them; but before I had concluded to make the attempt to swim, some sailors ran to the yawl opposite my room to lower it, and said it was not our boat that was sinking, but a tow-boat. They lowered the yawl, and soon after returned with three or four men dripping wet from the tow-boat, whom they had taken, as the men stated, from the wreck.

Claimants' third interrogatory. Had you an opportunity or motive for observing the position of the "Louisiana" with reference to the banks of the river at the time, and before and after the collision occurred; if so, what was your opportunity, and what was your motive? was she nearer the eastern or western bank? how far was she from the eastern?

Answer. I had an opportunity of observing the position of the Louisiana with reference to the banks, as my room was just back of the wheel-house, and the banks were in plain sight before me from my room, and I had a motive in observing them, as I was determined to swim ashore if she should sink; I did not observe them before the collision occurred, but I was at my door, and observed them a few seconds after the collision occurred. I do not know how far she was from the western bank, as I did not go on the opposite side of the boat, and did not notice the western bank, but I noticed particularly the eastern bank, and thought we were so close to it that I could easily swim to it, although I have but one arm, and cannot swim as well as I could before my left arm was amputated; I am confident, however, that I could have swam ashore; I thought the distance to the bank did not exceed 300 feet.

Claimants' fourth interrogatory. How long after the collision was it before the tow-boat stern sank? how long before the "Louisiana" was disengaged from the wreck?

Answer. I do not know how long it was after the collision before the tow-boat stern sank; I must have been in or near my state-room at the time it sank. The "Louisiana," I think, was disengaged from the wreck in ten or fifteen minutes after the collision. It appeared to me that the tow-boat did not move two rods from the spot where the collision occurred, but went down close to the place where we struck her.

Claimants' fifth interrogatory. Do you know any circumstances which you may not have been interrogated in relation to, which

would tend to show that in the collision inquired of the fault was not that of the "Louisiana," but that of the tow-boat; if so, what do you know? State fully.

(Signed) WM. H. HUNT,
Proctor for the "Louisiana."

Answer. There was a ship with the tow-boat at the time of the collision, and she dropped her anchor when the accident occurred. I noticed that she was close in towards the shore when Capt. Talbot hailed her, and asked if he could render any assistance. She answered that she needed none. She was close to the wreck when we left her, and both seemed to be near the eastern shore; I do not know where the channel was, but the river seemed to be nearly half a mile wide at that point, and I thought that nine tenths of the width of the river was on the left or western side of the spot where the collision occurred.

(Signed) FRANCIS MOORE, JR.

Libellants' Cross-interrogatories.

The libellants, reserving all legal exceptions to the interrogatories of said claimants to the witness, Francis Moore, jr.—

Libellants' first cross-interrogatory. At what hour did the collision referred to occur? Where were you at the time you first saw the tow-boat? If you had previously been asleep in your state-room, state at what time you awoke or came out. State how you were engaged when you first saw anything of the tow-boat.

Francis Moore, jr., answers: I do not recollect at what hour the collision occurred, but think it was about one or two o'clock at night. I first saw the tow-boat from the bows or front part of the "Louisiana," but not until she was sinking. I had previously been lying in my state-room, and had been asleep, but was awake when the collision occurred, and came out of my room in a few minutes [seconds] after the collision. The first time I saw the tow-boat I was near the pilot-house of the "Louisiana," and had run there to see what was the matter. The tow-boat was then sinking.

Libellants' second cross-interrogatory. State, if you can, what had been the course of the "Louisiana" previous to the collision; how near had she been running to the eastern bank; was any change made in her course before the collision; and if so, what change; how was the steamship heading at the time of collision? If you state that you heard any orders given as to her course, state where, what orders, and by whom given.

Answer. I know nothing respecting the course of the "Louisiana" previous to the accident.

Libellants' third cross-interrogatory. Who was acting as pilot of the steamship at the time of the collision; who had charge of

the wheel; did you see the captain of said steamship at or about the time of said collision? If so, state when and where you saw him, and how he was dressed.

Answer. I do not know who had charge of the wheel of the "Louisiana" when the collision occurred, for I was in my state-room at the time; but a few moments after the collision, when I went forward, I saw the captain at the pilot-house; I did not notice anything peculiar in his dress; but I think he had his coat off, and was merely dressed in his pantaloons and vest.

Libellants' fourth cross-interrogatory. Do you know of anything further that can be of service to the "libellants" herein? If so, state the same fully, as if specially interrogated thereto.

(Signed) BENJAMIN, BRADFORD & FINNEY,
Proctors.

Answer. I know of nothing that can be of service to the libellants further than I have stated. I thought, and still think, that the "Louisiana" was as near the eastern bank of the river as she could go, without danger of grounding or touching bars, and there was room for forty tow-boats, each with vessels in tow, to pass on the western side of the "Louisiana." It is a wonder to me, therefore, that such a collision ever occurred at a place where the river is so wide, and apparently so free from any obstruction to navigation.

(Signed) FRANCIS MOORE, JR.

U. S. District Court, eastern district of Louisiana.

In Admiralty.—No. 7,066.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Evidence for Claimants.

Deposition of Samuel H. Ferguson, passenger on "Louisiana," taken under commission of 16th February, 1856, at Galveston, Texas, and certified April 24th, 1856, by Alfred F. James, Louisiana commissioner in the State of Texas, on interrogatories and cross-interrogatories. Offered and read in evidence for claimants March 10th, 1857.

Claimants' first interrogatory. What is your age, what your occupation, and where do you reside?

Samuel H. Ferguson answers: Twenty-four; printer; city of Galveston, Texas.

Claimants' second interrogatory. Were you a passenger on the "Louisiana" in May last, when she came in collision with a tow-boat in the Mississippi river? If so, where were you at the time of, and anterior to, the collision? Did you observe how it occurred?

If so, how was it? How long before it took place did you see the tow-boat or her tow?

Answer. I was; in front of the pilot-house, on the same deck; not particularly, as I did not notice the tow-boat but an instant before the collision.

Libellants' third interrogatory. What was the course of the "Louisiana," and what that of the tow-boat, at the time of the collision? How far was she then, and how far had she been before, from the eastern bank?

Answer. The steamship "Louisiana" was ascending the right or eastern bank of the Mississippi river; the tow-boat was descending on the said eastern bank; I would say that the "Louisiana" was at that time about 150 feet from said eastern bank; did not observe particularly how far she was from eastern bank before the collision took place.

Claimants' fourth interrogatory. What signal-lights were visible on the tow-boat and her tow before and at the time of the collision? Were you in a position, and had you a motive, to observe the tow-boat's lights? What signal of approach was given on the "Louisiana," and did you hear it replied to from the tow-boat? If so, how, and at what time?

Answer. Did not perceive any light or lights on the tow-boat or her tow until the collision, when the light fell on the deck of the "Louisiana" with the mast of the tow-boat, and therefore conclude that the light must have been suspended behind the mast of said tow-boat, and the only one I saw. I was in a position to observe the tow-boat's lights, but had no motive for doing so; can't recollect of any given or any replied to.

Claimants' 5th interrogatory. How long after the collision was it before the tow-boat sank? Did she change her position after the collision; and if so, how; and by what means was such change effected?

Answer. Immediately—say not exceeding five minutes. She did, by the speed at which the "Louisiana" was ascending the river. The tow-boat was taken adrift from her tow and forced up river a few rods, and turning her head up stream, in which position she sank.

Claimants' sixth interrogatory. What orders were given in your hearing before the collision, as to the course of the "Louisiana?" What were the orders immediately after?

Answer. I do not recollect hearing any orders before the collision as to the course of the "Louisiana." Lower the boats.

Claimants' 7th interrogatory. Did you have any conversation with the capt. of the tow-boat, after the collision, in relation to it? if so, what? State the same fully.

Answer. I did; I asked him how the collision occurred, and stated my motive for so doing; that I was associated with the press

in Texas, and intended writing letters for publication during my absence. Capt. Hooper then stated to me, "that he did not wish me to make any comment upon the collision; that it was to be decided by courts of law, and it was better that the law take its course;" and at same time said that "Talbot is not to blame for it—I am not, and God knows where the fault is;" of which language I made a memorandum.

Claimants' 8th interrogatory. Do you know any circumstances other than you may already have stated, which would tend to show that the collision inquired of happened without the fault of the "Louisiana," and through the fault of the tow-boat? if so, what do you know? Answer fully.

(Signed) WILLIAM H. HUNT,
Proctor for the "Louisiana."

Answer. I do not know who is in fault; but, as stated in my answer to the third interrogatory, was ascending the eastern bank of the Mississippi river, and the tow-boat descending near the same bank. I cannot conceive there could be any fault on the part of the officers of the "Louisiana." Capt. Talbot and Mr. Coates, 1st officer, were both on deck at the time, and on duty, having conversed with Capt. F. but a moment before the collision. I will also state that some one suggested that Capt. Talbot order the engine moved forward to shove the tow boat ashore, as she was near the bank, and the only progress made was a further inroad into the wreck, as the tow-boat was at that time aground; I think the suggestion came from Captain Hooper.

(Signed) SAMUEL H. FERGUSON.

Libellants' Cross-interrogatories.

Libellants, reserving all legal exceptions to the interrogatories on the part of respondents to the witness Samuel H. Ferguson, propounded the following cross-interrogatories:

Libellants' first cross-interrogatory. At what hour did the collision referred to occur? Where had you been previously? If in your state-room, or asleep, state at what time you awoke and came out. State particularly the first you saw of the tow-boat, and your position at the moment.

Samuel H. Ferguson answers: Somewhere about two o'clock; was on deck all night. I did not see the tow-boat or her tow but an instant before the collision. In front of the pilot-house, on same deck.

Libellants' 2d cross-interrogatory. Who was acting as pilot of the steamship "Louisiana" on that night? Who was at the wheel? Did you see the captain of the steamship at or about the time of the collision? If so, where was he, and how was he dressed? Had he his coat on or his shoes?

Answer. Don't know; don't know. I did; he was forward of the pilot-house. Don't know, but believe he had his clothes on, and dressed as I had seen him the day previous, as I noticed no change.

Libellants' third interrogatory. State, if you can, what had been the course of the steamship before the collision, and how near she had been running to the eastern bank of the river. Was the course changed before the collision; and if so, where, and how? Which way was the steamship heading at the moment of the collision? If you state that you heard any orders given as to her course, state when, and by whom.

Answer. The steamship "Louisiana" was ascending the right or eastern bank of the Mississippi river. Did not notice. Up river, and parallel with the shore. I heard none.

Libellants' fourth cross-interrogatory. If you state that you had any conversation with the master of the tow-boat, state when, where, who were present; and state the language employed precisely, if you undertake to report any conversation.

Answer. After we had left the wreck, abreast of the clerk's office. Mr. Pool, purser of the "Louisiana." I asked Capt. Hooper how the collision occurred, and stated my motive for so doing; that I was associated with the Texas press, and intended writing letters for publication during my absence; Capt. H. then stated to me that he did not wish me to make any comments upon the collision; that it was to be decided by courts of law, and it was better that the law take its course, and at the same time said, "that Talbot was not to blame for it; I am not, and God knows where the fault is."

Libellants' fifth cross-interrogatory. Do you know of anything further that can be of advantage to libellants? If so, state the same fully and particularly.

(Signed) BENJAMIN, BRADFORD & FINNEY,
Proctors.

Answer. I know of nothing that would be of benefit to either party, other than what I have stated in my remarks after the eighth direct interrogatory.

(Signed) SAMUEL H. FURGUSON.

U. S. District Court, eastern district of Louisiana.

In Admiralty.—No. 7,066.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Evidence for Claimants.

Deposition of William A. Lockhart, passenger on "Louisiana,"

taken under commission of Dec'br 6th, 1856, at the city of Galveston, Texas, and certified on Dec'br 9th, 1856, by R. D. Johnson, U. S. comm'r, in the State of Texas, on interrogatories and cross-interrogatories, offered and read in evidence for claimants March 10th, 1857.

Claimants' first interrogatory. What is your age, and what your occupation?

Answer. I am thirty-six years old in next September, and am a farmer.

Claimants' second interrogatory. Were you a passenger on the "Louisiana" in May, 1855, when she came in collision with the tow-boat Anglo Celt; if so, where were you standing at the time of and previous to the collision, and how long had you been standing there?

Answer. I was a passenger in the steamship "Louisiana," going up the Mississippi river, when said steamship ran into a tow-boat, which I was informed at the time was the "Anglo Celt." I did not see the name on the tow-boat myself. This occurred, I think, in the month of May, 1855, or thereabouts. I was about the steps leading down to the cabin, and on the deck of said steamer, at the time of, and previous to the collision, but had been standing but a very short time.

Claimants' third interrogatory. How long before the collision did you discover the tow-boat; at the time of the collision what was the course of the steamship; how was she heading; which shore was she nearer; did you observe how far she was from the nearer shore; what caused you to observe, and *and* how far were you?

Answer. I cannot say exactly how long it was before the collision when I first saw the tow-boat, but to the best of my recollection it was only a few seconds. The steamship was heading up the river; she was nearest to the right-hand shore going up; I should suppose she was about one-third of the distance of the width of the river from the right-hand shore going up the river. The noise attracted my attention; I was on the right-hand side of the steamship near the top of the gang-way, but the exact distance I do not know.

Claimants' fourth interrogatory. After the collision what orders did you hear given, and by whom were they given; did you see the captain at the time of the collision; if so, when?

Answer. I heard Captain Talbot order his pilot or the man in the wheel-house to go ahead; I saw the captain in or about the time of the collision; he was on the front part of the deck.

Claimants' fifth interrogatory. Do you know any other circum-

stances which might serve the owners of the Louisiana in this case; if so, what?

(Signed) WILLIAM H. HUNT,
Proctor for Clm'ts.

Answer. I know nothing more, except that the captain gave as his reason for giving the order to go ahead, that he wished to save the passengers of the tow-boat.

Libellants' Cross-interrogatories.

And now the libellants, reserving all legal exceptions to the foregoing interrogatories, and specially to the form of the last or fifth interrogatory, propound the following cross-interrogatories:

Libellants' first cross-interrogatory. Where do you reside, and how long have you resided at you present domicil?

Answer. I live in Navarro county, Texas, and have lived there since 1851 or 1852.

Libellants' second cross-interrogatory. Had you retired during the evening before the collision; and if so, at what time did you rise again, and for what purpose? State particularly how you had been engaged during the night, and up to the time when the collision took place.

Answer to 2d cross-int. I had retired before the collision, and got up, I do not know exactly at what time, to answer a call of nature; had been in bed most of the night up to the time of collision.

Libellants' third cross-interrogatory. Did you see the captain of the Louisiana at any time before the collision; and if so, where was he, and how was he dressed when the collision occurred?

Answer. I saw him in and about the time of the collision; he was forward of the wheel-house, on the deck of the steamship; I do not know how the captain was dressed; there was nothing unusual about his dress, or I should have noticed it.

Libellants' fourth cross-interrogatory. Did you hear any order given before the collision to put the helm of the La. ; if so, when was that order given; how long after that order did the collision occur?

(Signed) BENJAMIN, BRADFORD & FINNEY.
For Libellants.

Answer. I heard no order given by any one before the collision; and further this deponent saith not.

Sworn to and subscribed on the day and at the place first aforesaid.

(Signed) W. A. LOCKHART.

U. S. Dist. Court, east. dist. of La.
In Admiralty.—No. 7,066.

J. W. STANTON & Co.
vs.
STEAMSHIP LOUISIANA.

Evidence for Claimants.

Deposition of John Macpherson, (pilot expert,) taken at New Orleans, and reduced to writing by Robert M. Lusher, esq., U. S. Commissioner, in presence of W. H. Hunt, esq., proctor for claimants, and E. A. Bradford, esq., proctor for libellants, on the 27th Jan'y, 1857. Read and offered in evidence for claimants March 10th, 1857.

John Macpherson, a witness for the claimants, having been duly sworn, deposes:

I am a licensed pilot, and have been a pilot and master of tow-boats since 1835; have also commanded a steamship trading to the Florida coast and Texas.

I am familiar with the rivers about Pointe à la Hache, above and below it. Diagram "Z," exhibited to me now, is pretty correct, save that there is rather too much of a bend between S and P. There is no eddy below the point P; a straight and nice current runs down there. A vessel left adrift in the middle of the river, abreast of the point P, would float over towards the western shore, following the course of the current running from above that point.

I am familiar with the rules governing tow-boats, and their mode of management; in my tow-boating days, four or five years since, it was the custom of such boats, when towing vessels, to carry two lights, one forward and the other one aft; such has been the usage since also; I have not seen any alteration in the usage.

When a tow-boat is descending the river with one vessel in tow, and that vessel on her starboard side, the helm of the vessel is always put to starboard, so as to balance the weight and make the tow steer properly.

Question. Suppose a tow-boat descending the river having one vessel only in tow, and that on her starboard side, and going at the usual rate of speed, should suddenly stop her engines, and make four or five revolutions back, what effect would such a manœuvre have upon her course?

Answer. It would turn her to port. If she were in the middle of the river, such a manœuvre would bring her towards the eastern bank. The cause of this, first and foremost, is, that the backing spring line of the tow-boat, which is made fast to the foward part of the ship in tow, hauls the bows of the vessel *bound*.

This sending of the tow to the larboard could only be counteracted by putting the helm hard to port, and going ahead five or six licks; this would be the only way to make the tow straighten down the river again.

Cross-examined.

I am now engaged in piloting the French line of steamers beteen the Balize and New Orleans. Previous to being so engaged, I was employed in piloting different steamships whenever wanted, but not regularly; I was employed in piloting the Philadelphia vessels of the U. S. M. Steamship line; also the "Black Warrior," and Cahawba.

Being asked whether it is usual for steamships ascending the river below the point P, (on diag. Z) to keep upon the same side of the river around and above that point, or to cross at the point P, over to the opposite side of the river—

Answer. This depends on how the wind is: if from the eastward, I always keep up the same shore; if there is drift-wood floating down, I generally cross over to the other side, so as to avoid the drift in by the eastern shore above the point P.

On the eastern side, from a little below the court-house, there begins to be shoal water, which gradually widens as we approach the point P. I generally begin to keep off when I get to the court-house, and then keep on keeping off up to opposite the church, on reaching which I am about 350 feet off from the shore. Previous to the sinking of the Anglo Celt we kept off about 300 feet; since that event we have had to keep off further, about 350 feet.

Being asked what effect it had upon the steering of a steamship to get into shoal water, witness says, most of those that I have brought up would take a sheer out some, but very few would take a sheer in.

I think I left off commanding tow-boats in Nov'r, 1852. In June, 1853, I commanded the "Yankee" three to four months; I have not been employed on any tow-boat since.

I commenced as fireman, deck hand, &c., on tow-boats, in 1832; there are not, I believe, more than two or three older in the trade than I.

To stop a tow-boat descending the river with a ship fast on the starboard side, I generally ring the stopping bell first, then ring the backing bell; you must stop her to reverse the engines.

Being asked how many revolutions it would take to get stern-way on a boat under such circumstances, witness says this depends on the sort of boat; a high-pressure boat would get stern-way sooner than a low-pressure boat; the headway the boat has had and the current would also affect this materially.

Re-examined. The person in charge of the deck, captain or pilot, is the proper person to have control of the movements of the engine

when a steam-vessel is under way; the engineer has no authority to act without orders from this person; I would not have an engineer that would do so.

(Signed) JOHN McPHERSON.
(Signed) ROBERT M. LUSHER,
U. S. Com'r.

U. S. Dist. Court, east. dist. of La.—February Term, 1857, Stated Sessions.

Wednesday, March 11th, 1857.—Court met at 10 a. m.; present Hon. Theo. H. McCaleb.

In Admiralty.

J. W. STANTON & Co., owners of tow-b't "Anglo Celt," vs. STEAMSHIP "LOUISIANA." } Hearing of Arguments.

The hearing of this cause having been resumed, Wm. H. Hunt argued the same at length on behalf of the claimants, when the further hearing was deferred until Saturday, 14th inst., 10 a. m.

Saturday, March 10th, 1857.—Court met at 10 a. m.; present Hon. Theo. H. McCaleb.

In Admiralty.

J. W. STANTON & Co. vs. STEAMSHIP "LOUISIANA." } Hearing and Submission.

The hearing of this cause having been resumed, E. A. Bradford, esq., closed the argument on behalf of the lib'ts, when the court took the case under advisement.

U. S. District Court, eastern dist. of La.

No. 7,066.—In Admiralty.

J. W. STANTON & Co. vs. STEAMSHIP "LOUISIANA." }

Opinion and Judgment of Court.

Hon. Theo. H. McCaleb, judge. Rendered April 13th, 1857.

This is a case of collision, which occurred on the Mississippi river, opposite Wilkinson's plantation, between 2 and 3 o'clock a. m. on the 22d of May, 1855. The tow-boat "Anglo Celt," the property of the libellants, having the ship "Neptune" in tow, left this port between the hours of 9 and 10 o'clock, on the 21st of May, and proceeded on her voyage down the river with the intention of towing the ship to the Balize; she arrived at a point opposite the plantation above mentioned, when, it is contended by the libellants,

her officers perceived the steamship "Louisiana," ascending the river on the left or eastern shore in the bend of the river above Pointe à la Hache. The libellants further contend that as the vessels neared each other, the "Louisiana," still keeping the eastern shore, gave the usual signal that she intended to keep that shore; and the tow-boat responded by the proper signal, and pursued her course down the middle of the river; that the steamship, instead of keeping the eastern shore, according to the signal aforesaid, as she approached the point above the bend in which she had been running, apparently took a sheer, and ran from under said point directly across the track of the tow-boat; that instantly upon perceiving the change in the direction of the steamship, the tow-boat put her helm hard a-port, stopped her engines, and commenced backing in order to escape, if possible, the impending collision; but notwithstanding every possible effort was made for that purpose, the steamship came in collision with the tow-boat, striking her on her larboard bow with such force as to cut her nearly half through; that by the force of the blow she thus received, the tow-boat was thrown across the current of the river, and her stern separated from the ship "Neptune," so violently as to part all the after fastenings, and let the ship drift entirely free of her; that the steamship and tow-boat then drifted together to a short distance below the point, and the steamship going ahead, forced the tow-boat towards the eastern shore, till she finally sank at the place where she now lies.

The respondents in their answer allege, that whilst the steamship "Louisiana" was proceeding on her voyage, ascending the river, following the eastern or right-hand bank, and keeping as close thereto as it was prudent and usual for vessels to keep, and following the proper and customary track of steamships ascending the river, and when she had reached a few miles *and when she had reached a few miles* above Pointe à la Hache, and was close to the said eastern bank, in her proper position, and between the court-house and church on said bank, the officers and persons on duty and on the look-out discovered directly above them an object close to the eastern bank presenting the appearance of trees on the bank, and immediately afterwards discovered the yards and masts of a vessel, and then the form of a tow-boat bearing right down upon them; that immediately the signal was given on the "Louisiana" by one blast of the whistle, that it was her intention to go to the right, and that her helm was at once put hard a-port, but that the signal was not responded to, according to the law and usage of this river; that the tow-boat continuing to come on towards the steamship, the engines of the latter being stopped, the vessel came in collision, the bows of the steamship running up to the pilot-house of the tow-boat, separating the latter from the ship she had in tow, and causing the tow-boat to sink almost immediately, and before all those on board of her had time to escape, although every

effort in the power of those on the steamship was made for their rescue; that the stern of the tow-boat having sunk first, her bows were held up by her rigging, which was entangled on the bows of the steamship, and the steamship then lying at right-angles with the tow-boat, endeavored to urge her nearer the bank at the request of some of her officers, but that every effort to do so was unavailing, and had only the effect of making further inroads into her without moving her; that thereupon the engines of the steamship were backed, and she was disengaged from the tow-boat by cutting loose the *ringing* of the tow-boat, the bows of which thereupon sank, and the "Louisiana" then proceeded up the river to her port of destination, having on board of her all the officers and those of the crew of the tow-boat (then discovered to be the "Anglo Celt") who had been rescued from the collision.

It is further alleged in the answer, that the "Louisiana" had on board of her at the time of the collision powerful signal-lights, such as are usually carried by steamers in the mail service; that she had a sufficient watch on deck and on duty at the time of the collision, and was in all respects carefully and skilfully navigated, but that the tow-boat was not skilfully navigated, had no watch or an insufficient watch on deck, no proper look-out, and had not the customary lights, or such as were sufficient to make her course and position visible in time to have prevented said collision if it had been possible so to do.

I have here given the pleadings at length, in order to show distinctly the issues which have been presented to the court, and in reference to which the parties have produced their evidence. Some points of difference may be at once disposed of, because I consider the evidence sufficiently clear to place them beyond a reasonable doubt. I am perfectly satisfied, in the first place, that both the tow-boat and the steamship were provided with signal-lights; I am satisfied that the lights from the ship were plainly visible to those on the descending tow-boat and her tow, at a proper distance off; but it is not so clear that those on the tow-boat were easily discernible on board the steamship. Whether this arose from the insufficiency of the lights themselves, or the want of a proper look-out on the steamship, will be hereafter considered. In the second place, I am satisfied that the collision occurred a very short distance above the point near the eastern bank of the river, which, as appears by the diagrams, is a short distance above the church; that after the collision, the tow-boat was prevented from drifting with the current of the river over towards the western shore by the propelling power of the steamship, which moved her somewhat nearer to the eastern shore than the place where the boats came together, and that they drifted together to the spot where the tow-boat afterwards sank, a short distance below the church. I consider it also satisfactorily proven that the proper signal was given

by the steamship to indicate her determination to keep close to the eastern shore as the vessels approached each other, and that a proper response was made by the tow-boat, indicative of her determination to pass to the right descending; but it is not clear from the evidence that the response was heard by those in charge of the steamship.

It would be idle for this court to rely solely upon the testimony of those who were in charge of the respective boats, in its anxious endeavors to arrive at a satisfactory conclusion. From evidence of so conflicting a character we naturally turn to the testimony of witnesses who are entirely disinterested, and who viewed the disaster from points more favorable to correct observations under circumstances to be less liable to be influenced or affected by the excitement and confusion which such a disaster would necessarily produce. But even here the task of the court has not been rendered plain and easy, for the witnesses on shore and on the ship "Neptune" have failed to remove all doubts as to the real cause of the collision. I do not hesitate to say, however, that in reference to material facts I have been governed by the corroborative evidence of persons on shore, rather than by the unsupported declarations of the officers and crew of the respective vessels, however positive.

The point above the church, or perhaps a little above that point, is doubtless the spot where the collision occurred. It is such a spot at which collisions commonly do, and may be expected to occur, and it is therefore just the locality where prudence and precaution should be particularly observed by both descending and ascending vessels. Vessels above and below such a point are not always easily discernible to one another, and therefore it is the more important that they should keep constant and vigilant "look-outs" stationed in their proper places while they are passing it up or down. In such localities it is particularly important that the descending boat should keep her proper place in the middle of the river, and for the manifest reason, that an ascending boat in rounding a point is necessarily compelled by shoal water on a bar to pass further out shore than when she is running where no such obstacles intervene. In such localities it is also particularly important that ascending boats should lessen their speed and increase their vigilance, because of the difficulty of discerning descending vessels, and their liability to encounter them too suddenly to avoid a collision. I am satisfied from experience that these rules of prudence and precaution cannot be too strictly enforced in the navigation of the Mississippi river.

After weighing with the greatest attention all the evidence adduced in this cause, I cannot resist the conclusion that both vessels were in fault. Notwithstanding the positive declarations of the officers crew of the tow-boat, supported by the testimony of witnesses Robert Johnson and wife, I am convinced that that vessel

was not in the middle of the river at the time the collision occurred; but, on the contrary, that she was nearer than prudence would dictate to the eastern shore. The testimony of Moore, who was examined in Texas under a commission, I consider highly important on this point. He was a passenger on the "Louisiana" at the time of the collision, and was out on deck a moment after the disaster occurred. He had a strong motive for observing particularly the situation of the vessels with respect to the eastern shore. He heard the cry, "We are sinking," and believing that it was the "Louisiana" that was sinking, he looked out to see whether or not he could swim ashore, and was quite relieved when he perceived that the shore was not more than 60 or seventy yards distant. He is satisfied that he could have saved his life by swimming, although he has but one arm. This testimony is corroborated by that of the witnesses on shore who were examined on behalf of the respondents, and who were nearer to the scene of the disaster than Mr. Johnson and wife, and testify with equal confidence to the facts they relate. Much of the force and effect of the testimony of Mr. and Mrs. Johnson is destroyed by the facts that they were at too great a distance from the locality of the collision to state facts which should be implicitly relied on. I have no doubt whatever that the "Louisiana" was at the moment of collision farther from the eastern shore than when she was when running below the point, because in passing round the point it became necessary to avoid shoal water, but I am by no means satisfied that she ran out and struck the tow-boat in the middle of the river. But there is another fact which has operated very strongly in producing the conviction I entertain upon this point, and it is, that if the vessels had been in the middle of the river at the time they came together, they would have been borne by the current to the western instead of the eastern shore. In reference to the tow-boat, it may be said that she was forced near to the eastern shore after the collision by the propelling power of the steamship; but this argument cannot apply to the ship "Neptune," which we find was also carried down near to the eastern shore before she came to anchor, although the collision had the effect of breaking her fastenings and throwing her farther over towards the western shore. All the evidence on the subject of the current shows that all bodies floating upon it would be borne to the western shore. The vessels in this instance being nearer to the eastern shore at the time of the collision, and out of the current too far to be affected by its force, floated down along the shore near which they came together. The learned proctor who last addressed the court for the libellants I think is mistaken when he contends that the officers of the "Neptune" concur in establishing the fact that the locality of the disaster was the middle of the river. Capt.

Batchelder states that there was room enough for the steamship to have passed inside the tow-boat, but that he did not think the tow-boat was exactly in the middle of the river; that when the collision occurred he took no notice of either part of the river, nor till the ship got aground below. When asked in cross-examination if he had stated that the tow was nearer to the eastern bank of the river than the other, he answered, that he believes she was, if anything. The testimony of the mate and the cook of the "Neptune" is entirely unsatisfactory on this point. They evidently took no particular notice before the collision, and the former was too much engaged with his own vessel after the collision to entitle his testimony to much weight.

I certainly would not be understood as contending that it was the indispensable duty of the tow-boat to have kept as near the middle of the river as possible; and, that having been found out of the middle of the river at the time of the collision, she was therefore to blame. I contend for no such absurd proposition. But my opinion in this case, formed after much consideration, is, that the "Anglo Celt" was out of her proper place, and much too near the eastern bank when the collision occurred, and that she thus contributed to produce the disaster from which her owners have been the sufferers. It is not enough in my judgment to say that there was room enough for the ascending vessel to pass between the descending boat and the bank of the river. No speculation should be indulged, no risks run, by persons engaged in the navigation of a river as broad as the Mississippi. Abundant caution should be observed, and all necessary precautions taken to avoid a collision.

I have already intimated my opinion, that both the vessels in this case were to blame. The course pursued by those in charge of the steamship can neither be excused nor justified upon the evidence in this record. If the tow-boat was out of her proper place, and too far in the track of ascending vessels, the steamship was equally reprehensible in failing to observe the necessary precautions in running around and near the point. She was running at the rate of 10 or 11 knots an hour, and never attempted to slacken her speed until the tow-boat was so near that it was impossible to avoid the collision. All the evidence of respondents in relation to the wants of signal lights on the tow-boat is extremely unsatisfactory. That these lights were up and seen by persons on shore, and by the witness Mansfield, who was on the steamship, are facts which cannot admit of a reasonable doubt. If they were not observed and duly attended to, it was because there was no proper look-out, and no suitable person at the helm. The fact that the captain, who was the only licensed pilot on board, was absent from his post, leads strongly to this conclusion. While I certainly do not deny his right to retire into his room to obtain relief from the

pain with which he was suffering from a wounded foot, I am constrained to say that the post of pilot, under the circumstances, should have been supplied by one capable of taking his place. It seems incredible that large objects, such as the tow-boat and her tow, could have approached as near as the witnesses of the respondents would have us believe, without being seen and distinguished from the trees along the shore. Some of the witnesses say they thought the object they saw was the shadow of trees along the shore, while others believed it was a boat ascending the river. Thus they speculated upon the probable character of the object directly before them, and took no precaution to ascertain its real character by signals or otherwise until it was too late to avoid a collision.

I have now given, as briefly as the nature of the case will admit, my conclusion from the evidence, without commenting at length upon that evidence, and thereby extending this opinion to an unreasonable length. It is a case of great importance to the parties interested, and I am consoled with the reflection, that if there be error in this decree it will speedily be corrected by a higher tribunal.

Being convinced that both vessels were in fault, I pronounce for the damages to be apportioned equally between the parties, and I now refer the case to R. M. Lusher, esq., in order that the said damages may be properly assessed, and upon the coming in of his report, a final decree will be rendered; the costs will also be equally divided.

I omitted to state, that I find no satisfactory evidence to justify the conclusion that the "Louisiana" took a sheer, and that she was thus forced into the middle of the river. The only evidence on this point is that of Mansfield, who states that she had occasionally sheered, when he was at the wheel, while running in shallow water.

U. S. District Court, east'n district of Louisiana—February Term, 1857, Stated Sessions.

Monday, April 13th, 1857.—Court met at 10 a. m.; present Hon. Theo. H. McCaleb.

In Admiralty.

J. W. STANTON & Co. and al., owners of tow-b't "Anglo Celt," vs. STEAMSHIP "LOUISIANA." } Judgment and Reference.

The court this day rendered its judgment hereon in writing, concluding that both vessels were in fault, and that the damages should, therefore, be apportioned equally between the parties. Wherefore it is ordered, that the case be referred to R. M. Lusher,

esq., com'r in admiralty, for a proper assessment of the damages caused by the collision in question.

U. S. District Court, east'n district of Louisiana.

In Admiralty.—No. 7,066.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Admiralty Commissioner's Report and Assessment of Damages.—Filed April 15th, 1857.

Collision.—Total Loss.

To the Hon. Theo. H. McCaleb, judge of said court, &c.

The undersigned commissioner, to whom your honor has referred the above entitled case for a proper assessment of the damages on the basis of an equal division or apportionment of the same between the parties, respectfully reports, that the libellants allege a total loss of the tow-boat "Anglo Celt," by her collision with the steamship "Louisiana," on the morning of the 23d May, 1855, and claim as her full and true value at the time, the sum of $32,000, with interest and costs, and that the claimants make no allegation of damage to the "Louisiana."

The testimony of James Atkins, Geo. Collins, and Geo. W. Parks, and other witnesses on both sides, shows that the tow-boat sank immediately after the "Louisiana" backed out from her, and there is no reasonable doubt that the exertions alleged, in the 11th article of the libel, to have been made to raise the sunken boat, proved wholly unsuccessful, and that she really became a total loss. The testimony recently taken and herewith submitted, namely, that of John McClean, Thos. McLellan, and Edward Grinnell, all practical men, whose vocations and business associations have enabled them to form a correct judgment on the matter, fully justifies the libellants' allegation as to the value of the "Anglo Celt," which the com'r accordingly reports at thirty-two thousand dollars.

Touching the libellants' claim of interest, the commissioner is satisfied, that according to the rule reiterated in the case of the Appollon, 9th Wheaton, p. 377, it must date from the 22d May, 1855. In that case, the Supreme Court, speaking of the just basis or measure of damages in cases of marine loss, says:

"Where the vessel and cargo are lost or destroyed, the just measure has been deemed to be their actual value, together with interest upon the amount from the time of the trespass."

The following schedule is presented as an exhibit of the amount recoverable by the libellants, under the judgment of the court rendered on the 13th inst.

Schedule of damages recoverable by owners of "Anglo Celt:"

Half the actual value of the tow-boat "Anglo Celt," (May 22d, 1855,) $16,000 with 5 per cent. interest from the 22d May, 1855, until paid.

Respectfully submitted:

(Signed) ROBT. M. LUSHER,
U. S. Comm'r.

April 15th, 1857.

U. S. District Court, east'n dist. of Louisiana.

No. 7,066.—In Admiralty.

J. W. STANTON & Co.
vs.
STEAMSHIP "LOUISIANA."

Testimony accompanying Admiralty Commissioner's Report.

Depositions of John McClean, boiler-maker, Thos. McLellan, tow-b't owner, and Edw. Grinnell, machinist, for libellants, on value of tow-boat. Proctors: E. A. Bradford for libellants, and Wm. H. Hunt for clm'ts.

John McClean, a witness for the libellants, having been duly sworn, deposes:

I reside in the 3d district of this city, and am a boiler-maker; I have built tow-boats and commanded them.

I was acquainted with the tow-boat "Anglo Celt" that was lost in a collision with the "Louisiana." Her value at the time she was sunk was, in my judgment, some 30 to $35,000.

Cross-examination.

In my valuation of the boat, I include her tackle, apparel, and furniture, machinery, and everything on board, as she was running.

Direct: I have commanded tow-boats for ten years.

(Signed) JNO. McCLEAN.

Sworn to and subscribed at New Orleans this 14th April, 1857, before—

(Signed) ROBT. M. LUSHER,
Ad'y Comm'r.

Thomas McLellan, also a witness for the libellants, having been duly sworn, deposes:

I knew the tow-boat "Anglo Celt" from the time she arrived here up to her loss, prior to which loss she had been running here 17 to 18 months; she was deemed a new boat when she came out here.

I consider that the "Anglo Celt," in May, 1855, at the time of her loss, was worth $35,000. This is my opinion of her cash value at the time just as she stood, everything included.

I am myself interested in tow-boats; have been an owner of tow-boats six or eight years.

Cross-examined.

I am interested in the Crescent line of tow-boats; this line forms part of the Tow-boat Association. The "Anglo Celt" belonged to one of the lines of which the association is composed.

I don't know what the "Anglo Celt" cost. I think I have heard one of the libellants state, that on a sale of an interest in the "Anglo Celt," she was valued at the rate of $32,000.

Direct resumed.

The interest in question that was sold was, I think, Captain Porter's $\frac{1}{8}$th, $\frac{1}{16}$th of which he sold to Captain Hopper, and the other sixteenth to some one else, I think. On reflection, I think Captain Hopper bought the eighth.

(Signed) THOS. McLELLAN.

Sworn to and subscribed before me at New Orleans, this 14th April, 1857.

(Signed) ROBT. M. LUSHER,
Ad'y Comm'r.

Edw. Grinnell, also a witness for the lib'ts, having been duly sworn, deposes:

I reside in the first district of this city, and am a machinist.

I have heard Mr. McLellan's testimony, and consider his valuation of the "Anglo Celt" a fair valuation of her.

No cross-examination.

(Signed) EDW. GRINNELL.

Sworn to and subscribed at New Orleans, April 14th, 1857, before—

(Signed) ROBT. M. LUSHER,
Ad'y Comm'r.

U. S. District Court, east. dist. of Louisiana—February Term, 1857, Stated Sessions.

Saturday, April 18th, 1857.—Court met at 10 a. m.; pres't Hon. Theo. H. McCaleb.

J. W. STANTON & Co. et al., owners of tow-boat "Anglo Celt," vs. STEAMSHIP "LOUISIANA." } Assessment of Damages.

The ad'y com'r having filed his report herein assessing the damages recoverable by libellants at $16,000, (half the value of their boat destroyed by the collision,) with 5 per cent. interest thereon from the date of the disaster, on motion of E. A. Bradford, esq.,

for libellants, and on his suggesting that the claimants have been duly notified of said assessment, and that no exception has been taken thereto, it is ordered that said report and assessment be confirmed and approved, and a final decree entered accordingly.

J. W. STANTON & Co., owners of tow-boat "Anglo Celt,"
vs.
STEAMSHIP "LOUISIANA." } Final Decree.

And now, considering the law and the evidence, as heretofore determined by the court, and it appearing of record that the steamship "Louisiana," on which the libellants had a lien and privilege for the satisfaction of their demand, was released and discharged on the 22d June, 1855, on a bond or ad'y stipulation, executed by Charles Morgan, Jeremiah Smith, and Harris & Morgan, (by Wm. H. Talbot, bailee,) claimants and owners thereof, and by F. F. Folger & Co. and E. J. Hart & Co., of New Orleans, as sureties, whereby the said claimants and sureties became bound, jointly and severally, to abide and satisfy the final decree in this cause:

It is ordered, adjudged, and decreed, that in favor of the libellants, J. W. Stanton & Co. et al., owners of st'm tow-boat "Anglo Celt," and against Charles Morgan, of New York, Jeremiah Smith, of Galveston, Texas, Harris & Morgan, of New Orleans, (owners of steamship "Louisiana,") and F. F. Folger & Co. and E. J. Hart & Co., also of New Orleans, (sureties,) jointly and severally, there be judgment for the full sum of sixteen thousand dollars damages, with 5 per cent. interest thereon from the 22d May, 1855, until paid.

And it is further ordered, adjudged, and decreed, that the costs of suit be taxed by the clerk and divided equally between the parties.

U. S. District Court, east. dist. of "Louisiana—February Term, 1857, Stated Sessions.

Saturday, April 21, 1857.—In Chambers. Present, Hon. Theo. H. McCaleb.

J. W. STANTON & Co., owners of tow-boat "Anglo Celt,"
vs.
STEAMSHIP "LOUISIANA." } Libellants' Appeal.

The libellants herein deeming themselves aggrieved by the final decree of the court, rendered on the 18th inst., in so far as the same condemns them to lose half the damages actually sustained by them and half the cost of suit, and having furnished an appeal bond in the sum of $250, with security approved by the judge,

it is ordered, that from said final decree the libellants have and be allowed an appeal returnable to the next term of the circuit court of the U. S. to be holden within this district.

Libellants' Appeal Bond.—Filed and recorded April 21st, 1857.

UNITED STATES OF AMERICA,
Eastern District of Louisiana.

District Court of the United States.

In Admiralty.

J. W. STANTON & Co. et al., owners of tow-boat "Anglo Celt,"
vs.
STEAMSHIP "LOUISIANA," Harris & Morgan, Cl'mts.
} Libellants' Appeal Bond. No. 7,066.

Collision Cause.

Know all men by these presents, that we, J. W. Stanton & Co. and H'y C. Hopper, owners of the tow-boat "Anglo Celt," libellants, as principal, and Thos. McLellan as surety, are held and firmly bound unto the above named claimants of the steamship "Louisiana," in the sum of two hundred and fifty dollars, to be paid to the said claimants, for the payment of which well and truly to be made we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated at New Orleans, the 21st day of April, in the year one thousand eight hundred and fifty-seven.

Whereas the above named J. W. Stanton & Co. and H. C. Hopper, lib'ts, have appealed to the next term of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, from a final decree of the district court of the United States for said district, rendered on the 18th day of April, 1857, in the above entitled cause of J. W. Stanton & Co. and al., owners of tow-boat "Anglo Celt," vs. steamship "Louisiana," in so far as said decree condemns the said libellants to a loss of half the damages sustained by them:

Now, therefore, the condition of this obligation is such, that if the above named appellants shall prosecute their appeal to effect, and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise, the same shall be and remain in full force and virtue.

(Signed) J. W. STANTON & CO. [L. S.]
H. C. HOPPER,
(Signed) By E. A. BRADFORD. [L. S.]
(Signed) THOS. McLELLAN. [L. S.]

Signed, sealed, and delivered, the date aforesaid, in presence of—

(Signed) ROB'T M. LUSHER,
U. S. Comm'r.

Endorsed: Approved.
(Signed) THEO. H. McCALEB,
U. S. Judge.

U. S. District Court, east. dist. of Louisiana.

February Term, 1857—Stated Sessions.

Tuesday, April 28th, 1857.—Court having met; present, Hon. Theo. H. McCaleb.

J. W. STANTON & Co., owners of tow-boat "Anglo Celt,"
vs.
STEAMSHIP "LOUISIANA." } Claimants' Appeal.

On motion of Wm. H. Hunt, esq., proctor for the clmts. herein, and on his suggesting to the court that said claimants, and the sureties against whom the final decree herein was rendered on the 18th inst., deem themselves aggrieved by said decree, and that they desire to appeal therefrom; and on his further exhibiting to the court an appeal bond in the sum of $24,000, executed by said claimants, with E. J. Hart and Lafayette Folger, of New Orleans, as sureties, it is ordered, that from said final decree the said claimants have and be allowed an appeal, to operate as a supersedeas, returnable to the next term of the circuit court of the United States, to be holden within this district.

Claimants' Appeal Bond.—Filed and recorded April 28th, 1857.

UNITED STATES OF AMERICA,
East'n Dist. of Louisiana.

District Court of the United States.

In Admiralty.—No. 7,066.

J. W. STANTON & Co., owners of tow-boat "Anglo Celt,"
vs.
STEAMSHIP "LOUISIANA." } Collision Cause.

Know all men by these presents, that we, Charles Morgan, of New York, Jeremiah Smith, of Galveston, Texas, and Harris and Morgan, of New Orleans, as principals, and E. J. Hart and F. F. Folger as sureties, are held and firmly bound unto the above named J. W. Stanton & Co. et al., libellants, in the sum of twenty-four thousand dollars, to be paid to the said libellants; for the

payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated at New Orleans the 28th day of Apr., in the year one thousand eight hundred and fifty-seven.

Whereas the above named principals, as claimants and sureties of the steamship "Louisiana," have appealed to the next term of the circuit court of the United States for 5th circuit and eastern district of Louisiana, from a final decree of the district court of the United States for said district, rendered on the 18 day of April, 1857, in the above entitled cause of J. W. Stanton & Co. vs. Steamship "Louisiana:"

Now, therefore, the condition of this obligation is such, that if the above named appellants shall prosecute their appeal to effect, and answer all damages and costs if they fail to make their appeal good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

CHAS. MORGAN,
J. SMITH, and
HARRIS & MORGAN and others,

(Signed) By WM. H. HUNT. [L. S.]
(Signed) E. J. HART, [L. S.]
(Signed) LAFAYETTE FOLGER. [L. S.]

Signed, sealed, and delivered, the date aforesaid, in presence of—
(Signed) WM. H. THOMAS.

UNITED STATES OF AMERICA,
Eastern District of Louisiana, U. S. District Court, City of New Orleans, ss.

I, N. R. Jennings, clerk of said court, do hereby certify that the foregoing 268 pages manuscript contain and form a true and correct transcript of the record of said court, in the case of J. W. Stanton & Co. and others, owners of steam tow-boat "Anglo Celt," (lost by collision May 22, 1855,) versus the steamship "Louisiana," (Harris, Morgan and als., claimants,) No. 7,066 of the docket of said court.

In testimony whereof, I hereto set my hand and affix the seal of said court, at New Orleans, this 28th day of April, 1857.
[SEAL.]
N. R. JENNINGS, *Clerk.*
By ROB'T M. LUSHER, *D'y Clerk.*

Proceedings in U. S. Circuit Court—Continuance of Cause.

Minutes.—April Term, A. D. 1857.

NEW ORLEANS, Friday, 15th May, 1857.

Court met pursuant to adjournment: present, Hon. J. A. Camp-

bell, presiding judge; present, Hon. Theo. H. McCaleb, district judge.

J. W. STANTON & Co. et als.
vs.
STEAMSHIP LOUISIANA. } 2,758.

Continued by consent to Monday next.

Trial of Cause.

Minutes.—April Term, 1857.

NEW ORLEANS, Monday, 18th May, A. D. 1857.

Court met pursuant to adjournment: present, Hon. J. A. Campbell, presiding judge; present, Hon. Theo. H. McCaleb, district judge.

J. W. STANTON & Co. et als.
vs.
STEAMSHIP LOUISIANA. } 2,758.

This cause was taken up for hearing, and was argued by E. A. Bradford, esq., for libellants, and by W. R. Hunt, esq., for respondents, and proceeded with until to-morrow at 10 o'clock a. m.

Trial of Cause Resumed.

Minutes.—April Term, 1857.

NEW ORLEANS, Tuesday, 19th May, 1857.

Court met pursuant to adjournment: present, Hon. J. A. Campbell, presiding judge; present, Hon. Theo. H. McCaleb, district judge.

J. W. STANTON & Co. et als.
vs.
STEAMSHIP LOUISIANA. } 2,758.

Mr. Hunt resumed his argument in this cause, and was followed by T. P. Benjamin, esq., on part of the libellants; and it was thereupon submitted to the court and taken under advisement.

Opinion.—Rec'd and filed 7th Nov., 1857.

Circuit Court of the U. S., eastern district of Louisiana.

J. W. STANTON & Co., Libellants,
vs.
HARRIS, MORGAN & Co., Claimants.

Cross Appeal from a Decree of the District Court of the U. S. for the eastern district of La.

This is a cause of collision, in which the district court pronounced a sentence of condemnation against both the parties, and

charged them equally with the loss occasioned by the disaster. The collision occurred in the Mississippi river, near the court-house of the parish of Plaquemines, between the ocean steamer Louisiana and the steam tow-boat Anglo Celt, on the morning (3 a. m.) of the 22d May, 1855, while the former was ascending, and the latter descending, the river. The Anglo Celt was so injured that she sunk a few minutes after the collision, and is a total loss. The collision happened when the weather was fair and the stars shining brightly, and at a place in the river at which there was no obstruction to the navigation, and nothing to prevent the officers of both the vessels from having a full view of their respective motions. It is not supposed to have been the result of an inevitable accident; but each of the parties has exhausted his resources in an effort to criminate the other. The district court was of opinion that both had succeeded, and in this opinion I concur.

The 3d rule "for the government of pilots," framed by the inspectors appointed under the authority of the act of Congress of the 30th August, 1852, is, that "when steamers are about to meet each other in narrow channels or in a fog, it shall be the duty of the descending boat to keep the channel and check her engine, using only sufficient steam to give her steerage, until the following signals are given and answered: It shall be the duty of the pilot of the ascending boat, so soon as the other shall be in sight and hearing, to sound his bell once if he shall wish to keep his boat to the right; and it shall be the duty of the pilot of the descending boat to answer the same promptly by one stroke of the bell; if not answered the pilot of the ascending boat shall strike his bell again and again at short intervals, until heard and answered by the pilot of the other boat; but if the pilot of the ascending boat should wish to keep his boat to the left, he shall strike his bell twice, and it shall be the duty of the pilot of the descending boat to answer the same by two strokes of his bell, and both boats shall be steered accordingly. The first signal shall be given by the pilot of the ascending boat, and it shall be the duty of the pilot of the other to answer promptly; but in case the pilot of the ascending boat does not make the signal in proper time, the pilot of the descending boat shall make the signal, and the other shall answer promptly."

The 7th rule is, that "the signals by ringing bells shall be observed by all steamers in meeting and passing each other, whether by night or day, or whether in a narrow or wide river." It is impossible to misconceive the object of these regulations. They were designed to prevent the danger of collisions in river navigation, by imposing upon the master and pilot of steam-vessels the duty of alertness and vigilance while their vessel was approaching others of the same description from an opposite direction. They were required to give a timely warning of their presence, approach,

and the direction they were to take. The obligation to do this was independent of the opinion those officers might have of the necessity of the precaution, or of the existence of any hazard. It was to be given at any time, night or day, and at any place, whether in a wide or narrow river, in which vessels might be in the act of passing each other. It is a very comprehensive regulation, and one, if efficiently enforced in river navigation, must be productive of great benefit. The evidence in this case shows a neglect of this rule in its spirit and significance.

The first signal came from the Louisiana, the ascending boat under these circumstances. The steersman, McCabe, says, "when I first discovered the tow-boat I put the helm hard to port. The mate gave the passing signal with the steam-whistle. The mate gave one blast with the whistle. I heard no answer in return." He says "the Louisiana did not feel or answer the port helm. There was not time for her to obey or answer the port helm before the collision occurred."

On his cross-examination this witness answers, "that about one minute elapsed from the time I first saw the tow until the collision. I count this from the time I first discovered an indistinct object near the bank, which I first thought to be a bunch of trees on the bank, but soon discovered to be a tow; after this discovery, not more than two seconds elapsed before the collision, rendering it impossible for the Louisiana to avoid a collision with the Anglo Celt."

The officer in charge of the Louisiana, and who controlled her movement at the time of the collision, was her mate. He was not a licensed pilot, and had not been accustomed to conduct the Louisiana in her voyages on the Mississippi river. He says: "I was on deck, and saw an object ahead of our ship, and seeing it, I stopped to examine what it might be. My first thought was that it was a vessel ascending the river, but soon discovered that we were getting too close to each other. I immediately called to the man to put his helm hard to port, then started aft and blew the whistle, the handle of which is in the pilot-house. At the door I found the captain at the wheel, assisting the man to put the wheel a-port. We were too near at the time to avoid the collision, and hence came together. The vessel had not time to answer her helm."

The mate explains the cause of his error to have been that he could not ascertain what the object before him was; that he could not procure any lights, and supposed it might be a shade upon the water from the trees, or an ascending vessel, but that the object was so near the bank that he did not suppose it to be a descending vessel, as that would not have been her proper place. He testifies that the Louisiana ascended the river near to the east bank, and that she did not leave that ordinary track.

These two persons (mate and steersman) were those upon whose efficiency and vigilance the guidance of this vessel at the time of the collision depended. The master, who alone was competent to act as a pilot, was disabled, and had retired to his room. He was drawn from it by the hurried and anxious order of the mate to the helmsman to "put his helm hard a-port." The men called look-outs were inefficient, and of no advantage to the pilot. If they discovered the tow-boat they gave him no information of her approach.

This evidence shows that the mate saw before him an object on the waters, apparently moving in his track; probably a vessel; possibly a descending vessel. He continues his course without adopting a single efficient measure to satisfy himself so as to avoid a possible catastrophe.

His vessel is moving at the rate of ten or twelve miles an hour; his master, the regular pilot, is not on duty, and he is himself an inexperienced officer.

He still goes forward without any check upon his speed, without calling for information for the look-outs, or taking counsel of the master and pilot, or affording any signal to the vessel before him, until the destruction of one or of both vessels becomes unavoidable.

The law does not permit vessels like the Louisiana to pass over a great thoroughfare, like the Mississippi river below New Orleans, on any uncertain or dubious conditions. It requires that they shall be equipped with an efficient body of skilful officers and men, fitted for every necessity of the navigation, and who shall constantly conduct them with caution and vigilance. I agree with the district court that these were not displayed in the management of the Louisiana when this collision took place. The steersman of the Anglo Celt (James Atkins) testifies: "When I first *I first* saw the Louisiana we were right abreast or a little below Wilkinson's point. We were in the middle of the river, in the usual place for a tow-boat going down. The steamship when I first saw her was coming up close to the shore, on the starboard side; when she got close to us she blew one whistle. The tow-boat answered it by one tap of the bell. A minute or two after she blew her whistle the steamship came right across; I remarked to Mr. Miller that she was coming across, and was going to run into us. Mr. Miller (pilot) then looked with a night-glass and told me to stop the boat, and to put her helm hard a-port. It was not long, five or six minutes I suppose, after this that the Louisiana struck us. If the steamship had kept on in her course near her starboard shore, as she was when I first saw her, there never would have been any collision. There was room enough for her to do so, as the tow-boat was in the middle of the river, and the river is about a mile wide there."

The pilot of the Anglo Celt (Robert Miller) testifies that he saw the lights of the Louisiana at some distance off, "apparently close

in to the starboard shore. The "Louisiana" blowed one whistle as she came up. We answered it with one tap of the Celt's bell, which tap I gave myself. When I had tapped the bell, which was behind the pilot-house, and as I came forward passing the pilot-house, I looked at my watch to see what time it was. Just as I was looking at my watch the engineer, Mr. George Parks, who was standing forward on the larboard side of the lower deck, said to me, 'Miller, the steamship is coming right into us, and we are going to have a smash.' I then took the night-glass and looked at the steamship and found that she was coming right out, apparently almost square across the river. I then gave orders to stop the boat, and our steersman rang the bell to stop the engine; I also ordered him after that to put the helm hard a-port. The man at the wheel, when he rang the bell to stop the engine, said, that steamship is going to come into us and drown us all."

The evidence of the engineer, Parks, is that "he went forward on the forward deck and discovered the lights of the Louisiana coming up under the bank on the eastern shore. When witness saw her he supposes she was about half a mile distant from the Anglo Celt. When she got in about three or four hundred yards she sheered off from the shore. Witness then remarked to the pilot that there would be a smash. Witness was standing on the larboard side, forward, when the Louisiana took this sheer. Immediately that he saw her take this sheer he sang out to the pilot that there would be a smash, and ran to the engine, stopped her, and commenced backing. Witness was backing the engine when the pilot rang his stopping bell. Witness had stopped the engine and made some five or six revolutions backwards before the collision occurred. * * * * * The Louisiana took the sheer very suddenly, but from what cause he cannot say, whether it was from the shoal water or the intention of the men at the wheel to cross the river."

I have placed the evidence of these witnesses in *just a position* in order to ascertain whether at the time the disaster had become inevitable the officers of the Anglo Celt had performed the duty the law imposed upon them when approaching another vessel. It appears from the evidence before stated that the danger was discovered by the mate of the Louisiana before any other person. His hurried order to "put the helm hard a-port," expressed his consciousness of an imminent peril, and immediately after he sounded the whistle, when it was too late to avert the calamity that ensued. The pilot of the Anglo Celt was the last to discover the presence of danger among those on the look-out on his vessel. The engineer and the steersman had both exclaimed that a collision was impending before he gave orders for any precautionary movement. The duty of avoiding a collision is not thrown upon either an ascending or a descending vessel exclusively, but both

are required to act concurrently in the measures necessary for that purpose.

The rules of the inspectors require that the descending vessel shall check its engine, using only sufficient steam to give her steerage while she is waiting for a signal, and in the event that the ascending boat does not give one the pilot of the descending boat shall make the signal. In the case before me it is clear that if these directions *have* been followed a collision would not have ensued.

It is no answer for the libellants to say that they did not anticipate a collision, and therefore did not comply with the regulations of the inspectors. It may happen that from the darkness of the night the shade cast on the water by objects on shore, the prevalence of haze or fogs, that one of the vessels may be concealed from the view of the other. The lights of the one may be brilliant, and those of the other dim and obscure, as in this instance. The regulations of the inspectors contemplate such a state of facts, and provide that the officers of both vessels shall be vigilant, and imposes the duty of giving signals upon both parties. The ascending boat is required, "so soon as the other shall be in sight and hearing," to announce her approach and direction, but if she neglects this task it is devolved upon the descending boat to perform a corresponding duty. In the present instance this requirement was not efficiently performed by either of the parties.

The great question made in the evidence and the arguments of the proctors in reference to the place of the collision, and whether the Louisiana was too near the channel, or the Anglo Celt too near the eastern shore, has not appeared to me to be so important in the view I have taken of the cause. If any reliance can be placed upon the testimony of the officers in charge of the Louisiana, they had no expectation of meeting the Anglo Celt until all attempts to avoid a collision were necessarily abortive. And if I can credit the officers of the other vessel, their fears were not at all aroused until their situation was desperate. The fault must therefore be looked for in some antecedent act or omission. The state of the evidence does not allow me to say with confidence whether the one party or the other was in his proper place. The preponderance of numbers, and perhaps of credit, is in favor of the witnesses who testify on behalf of the steamship. But the liability to error is so great, even when witnesses have no disposition to prevaricate, in determining on a fact of the kind under such circumstances, indisposes me to decide a case upon such a fact, if there are other grounds upon which it can be properly decided.

Decree affirmed; costs to be divided.

(Signed) J. A. CAMPBELL,
Associate Justice of the Supreme Court.

Final Judgment.

Judgment Docket.

Circuit Court of the United States, fifth circuit and eastern district of Louisiana.—November Term, A. D. 1857.

NEW ORLEANS, Saturday, 7th November, 1857.

Court met pursuant to adjournment: present, Hon. Theo. H. McCaleb, district judge; absent, Hon. J. A. Campbell, presiding judge.

The following decree was received from Hon. J. A. Campbell, presiding judge, and was ordered to be recorded, viz:

J. W. STANTON & Co. & als.
vs.
STEAMSHIP LOUISIANA, Harris & Morgan & als., Clm'ts. } No. 2,758.

This cause came on to be heard at the last term of the court, and was argued by counsel; whereupon, in consideration thereof, it is now ordered, adjudged, and decreed that the decree of the district court be affirmed; and that the libellants, J. W. Stanton & Co., do have and recover judgment against the defendants, Israel C. Harris and Hy. Morgan, composing the commercial firm of Harris, Morgan & Co., Charles Morgan, and Jeremiah Smith, and against the sureties upon the stipulation, F. F. Folger & Co. and E. J. Hart & Co., in solido, for the sum of sixteen thousand dollars, with interest thereon at the rate of five per cent. per annum from the 22d May, 1855, until paid. And it is further ordered that the costs be equally divided between the parties.

Judgment rendered 7th November, 1857.

(Signed) J. A. CAMPBELL,
Asso. Justice S. C. U. S.

Petition for Appeal.—Filed 16th Aug't, 1858.

U. S. Circuit Court, eastern district of Louisiana.

J. W. STANTON & Co. and als.
vs.
STEAMSHIP "LOUISIANA," Harris & Morgan & als., Clm'ts.

The petition of Joseph W. Stanton and William L. Palmer, associated in business as commercial partners under the style of J. W. Stanton & Co., and of Henry C. Hopper, libellants, herein respectfully represents that they are aggrieved by the final decree rendered against them on the 7th November, 1857, and are advised that there is error therein to their prejudice. Wherefore they pray that an appeal be allowed them therefrom, returnable to

the next term of the Supreme Court of the United States, upon their giving bond with security in such sum as the court may direct. And they will ever pray, &c., &c.

(Signed) BENJAMIN, BRADFORD & FINNEY,
For Stanton & Co. and others.

Order.

Let the appeal be allowed as prayed for on libellants giving bond conditioned as the law requires, with solvent surety thereon, in the penal sum of five hundred dollars.

(Signed) J. A. CAMPBELL,
Asso. Justice S. C. U. S.

Bond for Appeal.—Filed 23d August, 1858.

Know all men by these presents, that we, Joseph W. Stanton and William L. Palmer, and Henry C. Hopper, as principals, and Thomas A. Adams, as sureties, are held and firmly bound unto Israel C. Harris and Hy. Morgan, members composing the commercial firm of Harris & Morgan, and unto Charles Morgan and Jeremiah Smith, in the full and just sum of five hundred dollars, to be paid to the said obligees, their certain attorney, executors, administrators and *administrators*, jointly and severally, by these presents.

Sealed with our seals, and dated this twenty-third day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

Whereas lately, at a circuit court of the United States, 5th judicial circuit, holding sessions in and for the eastern district of Louisiana, at New Orleans, in a suit depending in said circuit court, wherein Jos. W. Stanton and Wm. L. Palmer, and Henry C. Hopper, were libellants and appellants in admiralty, judgment was rendered against the said libellants and appellants, and the said libellants and appellants having obtained an order of appeal from said decree to reverse the same, and a citation directed to the said Israel C. Harris, Hy. Morgan, Ch's Morgan, and Jeremiah Smith, citing and admonishing them to be and appear at a Supreme Court of the United States, to be holden at Washington the first Monday of December next:

Now the condition of the above obligation is such, that if the said obligors above named shall prosecute their appeal to effect, and answer all damages and costs if they fail to make the same good, then the above obligation to be void; else to remain in full force and virtue.

J. W. STANTON,
W. L. PALMER, and
H. C. HOPPER, [SEAL.]
By J. T. BENJAMIN. [SEAL.]
THOS. A. ADAMS. [SEAL.]

Sealed and delivered in the presence of—

Thomas A. Adams, surety on the within bond, being sworn, says he is worth the sum of five hundred dollars over and above all his debts and liabilities.

(Signed) THOS. A. ADAMS.

Sworn to and subscribed before me this 23d day of August, 1858.

(Signed) ARTHUR SANCIER,
3d J. P.

Petition for Appeal.—Filed 9th Nov'r, 1858.

U. S. Circuit Court, eastern district of Louisiana.

J. W. STANTON & Co. and als.
vs.
STEAMSHIP LOUISIANA, Harris & Morgan and als., Cl'm'ts.

The petition of Israel C. Harris and Henry Morgan, associated in business as commercial partners, under the style of Harris & Morgan, and of Charles Morgan and Jeremiah Smith, claimants herein, respectfully represents, that they are aggrieved by the final decree rendered against them on the 7th November, 1857, and are advised that there is error therein to their prejudice.

Wherefore they pray that an appeal be allowed them therefrom, returnable to the next term of the Supreme Court of the United States, upon their giving bond, with security, in such sum as the court may direct.

WILLIAM H. HUNT,
Of Counsel for Pet'r.

Order.

Let the appeal be allowed upon the petitioners giving bond, with good and solvent surety thereon, in the penal sum of five hundred dollars, and conditioned according to law.

(Signed) J. A. CAMPBELL,
Asso. Justice Sup. Court U. S.

Appeal Bond.—Filed Nov'r 9th, 1858.

Know all men by these presents, that we, Israel C. Harris and H'y Morgan, members of the commercial firm of Harris & Morgan, and Charles Morgan and Jeremiah Smith, as principals, and C. B. Payne as surety, are held and firmly bound unto Joseph W. Stanton and Wm. L. Palmer and Henry C. Hopper, in the full and just sum of five hundred dollars, to be paid to the said Israel C. Harris and others, the obligees above named, their certain attorney, executors, administrators, or assigns, to which payment well and truly to be made we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed

with our seals, and dated this day of , in the year of our Lord one thousand eight hundred and forty-eight.

Whereas lately, at a circuit court of the United States, 5th judicial circuit, holding sessions in and for the eastern district of Louisiana, at New Orleans, in a suit depending in said circuit court, wherein James W Stanton, Wm. L. Palmer, and Henry C. Hopper, were libellants and appel'ts in admiralty, judgment was rendered against the said libellants and appellants, and the said respondents and defendants having obtained an order of appeal from said decree to reverse and amend the same, and a citation, directed to the said Jas. W. Stanton, William L. Palmer, and Henry C. Hopper, citing and admonishing them to be and appear at a Supreme Court of the United States to be holden at Washington the first Monday of December next:

Now the condition of the above obligation is such, that if the said obligors above named shall prosecute their appeal to effect, and answer all damages and costs if they fail to make the same good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) J. C. HARRIS & H. MORGAN, and
CH'S MORGAN and
JEREMIAH SMITH, [L. S.]
By WILLIAM H. HUNT. [L. S.]
(Signed) COM'S B. PAYNE. [L. S.]

C. B. Payne, being sworn, deposes, that he is worth, after the payment of his debts in full, the sum in the within bond named, to wit, the sum of five hundred dollars.

(Signed) COM'S B. PAYNE.

Sworn to subscribed before me Oct. 27th, 1858.
C. M. BRADFORD, *J. P.*

Circuit Court of the United States, fifth circuit and eastern district of Louisiana.

CLERK'S OFFICE.

I certify that the foregoing two hundred and forty-nine pages contain and form a full, true, and complete transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of J. W. Stanton & Co. and al., owners of the tow-boat "Anglo Celt," vs. Steamship "Louisiana," Harris & Morgan and al. claimants, No. 2,758 of the docket of said court.

Witness my hand and the seal of the said court, at New Orleans, this 23d November, A. D. 1858.

[SEAL.]

J. W. GURLEY, *Clerk.*

THE UNITED STATES OF AMERICA.

The President of the United States to Israel C. Harris and Hy. Morgan, composing the commercial firm of Harris & Morgan, Charles Morgan and Jeremiah Smith, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, on the first Monday of December next, pursuant to a petition and order of appeal filed in the clerk's office of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, wherein Joseph W. Stanton and William L. Palmer, doing business under the commercial style of J. W. Stanton & Co., and Henry C. Hopper, are appellants, and you are appellees, to show cause, if any there be, why the judgment rendered against the said appellants, as in said petition and order mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, this 9th day of September, in the year of our Lord one thousand eight hundred and fifty-eight.

J. A. CAMPBELL,
Associate Justice S. Court U. S.

Marshal's Return.

Rec'd Sept. 30th, '58, and on the 7th day October, 1858, served copy of the within citation in appeal on C. Harris, H. Morgan, and Jeremiah Smith, by delivering the same personally to W. O. Denegre, esq., attorney of record for the said C. Harris, H. Morgan, and Jeremiah Smith, and who accepted service thereof for and in behalf of the said C. Harris, H. Morgan, Jeremiah Smith; said service made in the city of New Orleans, and rec'd Oct. 8th, '58.

CHAS. CATOIR, *D'y M.*

THE UNITED STATES OF AMERICA.

The President of the United States to Joseph W. Stanton, William L. Palmer, and Henry C. Hopper, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, on the first Monday of December next, pursuant to a petition and order of appeal filed in the clerk's office of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, wherein Israel C. Harris and Hy. Morgan, members composing the commercial firm of Harris & Morgan, and Charles Morgan and Jeremiah Smith, are appellants, and you are appellees, to show cause, if any there be, why the judgment rendered against the said appellants, as in said petition mentioned,

should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable R. B. Taney, Chief Justice of the Supreme Court of the United States, this first day of November, in the year of our Lord one thousand eight hundred and fifty-eight.

J. A. CAMPBELL,
Associate Justice S. C. U. S.

Marshal's Return.

Rec'd November 9th, '58, and on the same day served 3 copies of the within citation in appeal on Messrs. Henry C. Hopper, Jos. W. Stanton, and Wm. L. Palmer, by handing the same to E. A. Bradford, one of said firm of Benjamin, Bradford & Finney, att'ys of record, who accepted service of the same, and returning into court this writ Nov. 9th, 1858.

CHAS. CATOIR, *D'y M.*

[*Here follow three diagrams.*]

Filed 11th December, 1858.